



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CWP No.7687 of 2025  
Date of Decision: 20.03.2025**

Megh Wanti

...Petitioner

Versus

HDFC Bank Ltd. and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Ankush Verma, Advocate,  
for the petitioner.

\* \* \* \*

**SANJEEV PRAKASH SHARMA J.(Oral)**

The present petition has been preferred assailing the notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') and the demand notice for outstanding dues issued by the Bank to the petitioner.

2. Keeping in view the provisions of the SARFAESI Act, and the judgment passed by the Supreme Court in *M/S South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another 2023 INSC 379* and *CELIR LLP vs. Bafna Motors Private Ltd. and others, 2023 INSC 838* as well as recent three Judges Bench judgment of Supreme Court in *PHR Invent Educational Society vs. UCO Bank and others, 2024(4) SCR 541*, we find ourselves unable to examine the merits of this case.



3. This Court in **CWP No.14655 of 2024 titled as ‘M/S K. Soni Builders vs. Indian Overseas Bank and Another’, decided on 16.10.2024**, wherein one of us was a member, held as under:

*“6. In view thereto, no relief can be granted to the petitioner. Even otherwise, keeping in view the law laid down by the Supreme Court in **M/S South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another, [2023] 4 S.C.R. 18, and CELIR LLP vs. Bafna Motors Private Ltd. and others, 2023 INSC 838** as well as recent three Judges Bench judgment of Supreme Court in **PHR Invent Educational Society vs. UCO Bank and others, 2024 (4) SCR 541**, the writ petition would not be maintainable with regard to orders passed by the DRT, and the forum has been wrongly chosen by the petitioner.”*

4. Learned counsel for the petitioner submits that the jurisdiction to hear the instant petition although lies with the Debt Recovery Tribunal (for brevity ‘DRT’), but since there is no Presiding Officer in DRT-II, the petitioner has preferred the present petition.

5. We are told that there are three Debt Recovery Tribunals functioning in the Chandigarh namely DRT-I, DRT-II and DRT-III. While DRT-II’s Presiding Officer is presently not available, the office of DRT-II is functional. The petition, therefore, can be filed before the said DRT-II and considering that it is in exclusive jurisdiction of the DRT alone to examine the cases/disputes relating of SARFAESI Act, it would be appropriate to direct that if such petition is filed by the petitioner in the office of DRT-II, the same shall be sent for adjudication to the Presiding Officer of DRT-I, who would hear the case on merits as well as on any stay application, if so, moved by the petitioner.



6. With the said observations, the writ petition is not maintainable and accordingly, the same is disposed of with the afore-said directions.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**March 20, 2025**  
seema

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*