



CWP-26973-2021 (O&M)

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109-7

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

CWP-26973-2021 (O&M)

Date of decision: 22.09.2025

M/S KAY ESS TRADING AND ANR.

....Petitioners

Versus

BANK OF INDIA AND ORS.

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Harshit Sethi, Advocate, (through VC)
for the petitioners.

Mr. K.P.S. Dhillon, Advocate (through VC)
for respondent No.1.

SHEEL NAGU, C.J. (Oral)

1. The challenge herein is only to notice u/s 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity) by the petitioners-borrowers.

2. This Court has already held that unless special circumstances are made out, there is no remedy available for the borrower to challenge notice u/s 13(2) of SARFAESI Act.

2.1 The scheme of SARFAESI Act allows remedy of preferring a representation u/s 13(3A) in response to notice u/s 13(2), whereafter the borrower needs to wait for the Bank or the Financial Institution to take recourse to coercive steps by issuance of notice u/s 13(4) of SARFAESI Act.

3. This Court while refraining from entering into the merits of the matter in terms of repeated decisions of the Apex Court, declines to interfere on merits and relegates the petitioners to avail remedy u/s 17 of the SARFAESI Act



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within thirty (30) days from today.

4. Petition stands disposed of accordingly.
5. Pending applications, if any, shall stand disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

22.09.2025

mohit goyal

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No