



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

CWP-1583-2022 ( O&amp;M )

Date of decision : 13.10.2025

M/s Hindustan Developers and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Aman Bansal, Advocate,  
for the petitioners.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

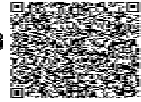
Mr. D.V. Sharma, Senior Advocate, with  
Ms. Sunder Kumari, Advocate,  
for respondent No.2.

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**SHEEL NAGU, CHIEF JUSTICE ( Oral )**

1. This petition filed by petitioners – borrowers assails notice dated 04.02.2021 (Annexure P-1) and 27.05.2021 (Annexure P-2) issued by respondent No.2 Bank under Section 13 (2) and 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act') as well as order dated 15.12.2021 (Annexure P-4) passed by Chief Judicial Magistrate, Sonapat, under Section 14 of SARFAESI Act.

2. This Court, vide interim order dated 08.02.2022, had protected the petitioners by restraining the respondents from taking possession of secured asset, subject to petitioners' paying a sum of Rs.8,50,000/- to



respondent No.2 Bank by day after the passing of said order. Thereafter, on 24.03.2022, following order was passed by this Court :-

*“Counsel for the petitioners states that the petitioners are willing to pay a sum of Rs. 3 Lakhs on or before 31.03.2022, and a further sum of Rs. 5 Lakhs on or before 15.04.2022.*

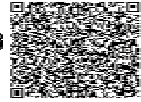
*The aforesaid statement of the counsel for the petitioners is placed on record.*

*List on 13.05.2022.”*

3. It is informed by learned senior counsel appearing on behalf of respondent No.2 Bank, which is not denied by learned counsel for the petitioners – borrowers, that the cut-off date fixed, i.e. 31.03.2022 and 15.04.2022, for deposit of Rs. 3 lakhs and Rs. 5 lakhs, respectively, was not adhered to by the petitioners – borrowers, as these amounts were deposited late, i.e. 22.04.2022 and 05.07.2022. This fact was brought to the notice of this Court on 14.07.2022, but this Court continued interim protection to the petitioners, which continues till date.

4. The Apex Court has consistently held that High Courts should refrain from interfering under Article 226 of the Constitution in SARFAESI proceedings. The SARFAESI Act is a complete code, which not only provides for a detailed recovery mechanism but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

5. From the averments made in the petition, it does not appear that the petitioners have availed statutory alternative remedy of approaching the DRT and/or DRAT.

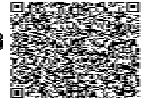


6. In view of the petitioners not having adhered to the time line fixed by this Court on 24.03.2022 and the ratio laid down by Apex Court in **United Bank of India Vs. Satyawati Tondon, (2010) AIR SC 3413 (Paras 17, 27); Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21); and PHR Invent Educational Society Versus UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)**, this Court refrains from exercising jurisdiction under Article 226 of the Constitution.

6.1 The petitioners are relegated to avail the appropriate statutory remedy under SARFAESI Act before DRT and thereafter before DRAT. In case the petitioners prefer an application under Section 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits, without being dismissed on limitation alone.

6.2 Interim relief granted by this Court in favour of the petitioners – borrowers on 08.02.2022 shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioners – borrowers deposit another sum of Rs. 5 lacs within a period of 15 days, failing which the interim relief shall lose its effect, and the respondent Bank shall be free to proceed and liquidate the secured assets to recover the balance amount.

6.3 It is made clear that if petitioners approach the Tribunal within prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to petitioners. We further make it clear that the Tribunal shall decide the request for interim relief strictly on merits of the matter, without being influenced by



the fact of petitioners having approached this Court or this Court having passed the present order.

7. Accordingly, the writ petition stands disposed of with aforesaid liberty, without commenting on merits, without cost.

7.1 All the pending applications also stand disposed of.

( SHEEL NAGU )  
CHIEF JUSTICE

( SANJIV BERRY )  
JUDGE

October 13, 2025  
narotam

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