



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

CWP-5594-2021 (O&M)

Date of decision : 22.08.2025

M/s A.N.V. Shawls

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MS. JUSTICE RAMESH KUMARI

Present: Mr. Akhilesh Vyas, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. R.V. Mehra, Advocate,
for respondent No.3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner – borrower has filed this petition assailing the demand notices dated 02.03.2020 and 21.09.2020 (Annexures P-2 and P-4) issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “SAFRAESI Act”) as well as possession notice dated 22.02.2021 (Annexure P-12) issued under Section 13 (4) of the SARFAESI Act.

2. This Court, while taking cognizance of the matter, on 09.03.2021 had stayed the proceedings initiated vide notices dated 02.03.2020 and 21.09.2020 (Annexures P-2 and P-4), subject to deposit of Rs. 4,00,000/- in



March, 2021 and another amount of Rs. 4,00,000/- in April, 2021, by the petitioner – borrower.

2.1 Though the aforesaid two amounts have been deposited by the petitioner - borrower, but this Court, to know bonafides of the petitioner, asked learned counsel for the petitioner as to whether any further amount can be deposited by it or not, but answer to the said query was in negative.

3. Thus, this Court, in view of various decisions of the Apex Court, relegates the petitioner to DRT to assail the legality and validity of recourse taken by the respondent – Bank under Section 13 (4) of the SARFAESI Act.

3.1 Since the petitioner continues to be protected by interim order dated 09.03.2021, which is subsisting till date, this Court directs that the same shall continue for a period of fifteen (15) days to afford an opportunity to the petitioner to file an appropriate application under Section 17 of the SARFAESI Act before the jurisdictional DRT.

3.2 It is made clear that the DRT, while taking a call on the question of interim relief, will not be influenced or prejudiced by the fact of this Court continuing interim order in favour of the petitioner.

3.3 In case of default of the petitioner in this regard, i.e. either of not approaching the jurisdictional DRT or the DRT not granting any interim relief in favour of the petitioner, the respondent – Bank shall be at liberty to proceed ahead with possession notice dated 22.02.2021 (Annexure P-12) issued under Section 13 (4) of the SARFAESI Act, for liquidating the secured asset to recover the loan amount.

4. Accordingly, without commenting on merits of the case, this petition stands disposed of with liberty to the petitioner to approach the



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jurisdictional DRT under Section 17 of the SARFAESI Act and thereafter before DRAT, if occasion arises.

(SHEEL NAGU)
CHIEF JUSTICE

(RAMESH KUMARI)
JUDGE

August 22, 2025
narotam

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