



CWP-26187-2025

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

CWP-26187-2025

Date of decision: 04.09.2025

JOGINDER KUMAR

...Petitioner

Versus

AAVAS FINANCIERS LTD (FORMERLY KNOWN AS AU HOUSING
FINANCE LTD) AND ANR

...Respondents

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

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

SHEEL NAGU, C.J. (Oral)

1. The petitioner, who is borrower, has approached this Court challenging notice dated 17.12.2024 (Annexure P-4) issued u/s 13(4), and order dated 25.02.2025 (Annexure P-5) issued u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), on various grounds.

2. 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, 2002 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).

3. From the averments in the petition, it does not appear that the petitioner has availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.



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4. In view of the above and the view of Apex Court in **United Bank of India vs. Satyawati Tondon, (2010) AIR SC 3413 (Para 17, 27) ; Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21) ; PHR Invent Educational Society versus UCO Bank and others, 2024 (6)SCC 579 (Paras 22 to 41)**, this Court refrains from exercise of jurisdiction under Article 226 of Constitution.

5. The petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioner prefers 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. Accordingly, the writ petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

04.09.2025

mohit goyal

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