



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

CWP-21245-2025

Date of decision : 28.07.2025

Sukhdev Singh

.....Petitioner

Versus

The Sangrur Central Co-operative Bank Ltd., Branch DhuriRespondent

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

Present: Mr. Deepak Goyal, Advocate, for the petitioner.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner - borrower is before this Court assailing notice dated 03.04.2025 (Annexure P-2) issued by the respondent – Bank under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act'), to which the petitioner – borrower has responded on 07.07.2025 vide Annexure P-4.

2. The scheme of SARFAESI Act is such, which does not provide for a Forum, including that under Section 17 before the Debts Recovery Tribunal (DRT) or under Section 18 before the Debts Recovery Appellate Tribunal (DRAT), to assail notice under Section 13 (2). The petitioner has to await issuance of notice under Section 13 (4), pursuant to which he is free to approach DRT under Section 17 and, thereafter, DRAT, if occasion arises.

3. The aforesaid view has been observed by the Apex Court in ***Mardia Chemicals Ltd. v. Union of India, (2004) 4 SCC 311***, reproduced as thus:

48. The next safeguard available to a secured borrower within the framework of the Act is to approach the Debts



Recovery Tribunal under Section 17 of the Act. Such a right accrues only after measures are taken under sub-section (4) of Section 13 of the Act.

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80.1. Under sub-section (2) of Section 13 it is incumbent upon the secured creditor to serve 60 days' notice before proceeding to take any of the measures as provided under sub-section (4) of Section 13 of the Act. After service of notice, if the borrower raises any objection or places facts for consideration of the secured creditor, such reply to the notice must be considered with due application of mind and the reasons for not accepting the objections, howsoever brief they may be, must be communicated to the borrower. In connection with this conclusion we have already held a discussion in the earlier part of the judgment. The reasons so communicated shall only be for the purposes of the information/knowledge of the borrower without giving rise to any right to approach the Debts Recovery Tribunal under Section 17 of the Act, at that stage.

3.1 This Court in ***Kamla Rice and General Mills Versus District Magistrate-cum-Deputy Commissioner, Karnal and Others, 2024 SCC OnLine P&H 8493***, while relying on the aforesaid case, observed thus :

“9. Therefore, in any case this would be an issue to be determined by the appropriate Forum as available to the petitioner. It is undisputed that interference by the High Court in exercise of jurisdiction under Article 226 of Constitution of India has to be limited in matters like the present and actuated only in exceptional and extraordinary circumstances, keeping in view the specific remedies as available to aggrieved persons under SARFAESI Act itself. Gainful reference in this respect can be made to judgments of Hon'ble the Supreme Court in ***Union Bank of India v. Satyawati Tandon, (2010) 8 SCC 110; South Indian bank***



Ltd. v. Naveen Mathew Philip, (2023) 2 RCR (Civil) 771 and PHR Invent Educational Society v. UCO Bank, (2024) 6 SCC 579 : AIR 2024 SC 1893. Hon'ble the Supreme Court in the case of South Indian Bank (supra) held as under:—

“13. We may, however, reiterate the settled position of law on the interference of the High Court invoking Article 226 of the Constitution of India in commercial matters, where an effective and efficacious alternative forum has been constituted through a statute.

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14. A writ of certiorari is to be issued over a decision when the Court finds that the process does not conform to the law or statute. In other words, courts are not expected to substitute themselves with the decision-making authority while finding fault with the process along with the reasons assigned. Such a writ is not expected to be issued to remedy all violations.

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*15. The object and reasons behind the Act 54 of 2002 are very clear as observed by this Court in **Mardia Chemicals Ltd. v. Union of India, (2004) 4 SCC 311**. While it facilitates a faster and smoother mode of recovery sans any interference from the Court, it does provide a fair mechanism in the form of the Tribunal being manned by a legally trained mind. The Tribunal is clothed with a wide range of powers to set aside an illegal order and thereafter, grant consequential reliefs, including re-possession and payment of compensation and costs. Section 17(1) of the SARFAESI Act gives an expansive meaning to the expression “any person”, who could approach the Tribunal.*



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18. *While doing so, we are conscious of the fact that the powers conferred under Article 226 of the Constitution of India are rather wide but are required to be exercised only in extraordinary circumstances in matters pertaining to proceedings and adjudicatory scheme qua a statute, more so in commercial matters involving a lender and a borrower, when the legislature has provided for a specific mechanism for appropriate redressal.”*

10. *All the arguments as have been raised before us are very well within the realm of consideration by the learned Tribunal. Argument raised by learned counsel for petitioner that objections have been incorrectly decided, can also not be a ground to cause interference, keeping in view the specific provisions as contained in Sections 13(4) and 17 of SARFAESI Act which specifically provide that grounds for rejection cannot provide a cause of action to aggrieved person to resort to the remedy at that stage.”*

4. In the attending facts and circumstances of the case and in the absence of any ground made out for invoking the power of judicial review or supervisory jurisdiction under Article 226/227 of Constitution of India, this Court declines interference.

5. Accordingly, the petition stands disposed of with aforesaid liberty.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

July 28, 2025

narotam

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