



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

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|-----|---|------------------------|
| (1) | | CWP-4675-2021 |
| | Akhtar |Petitioner |
| | Versus | |
| | Reserve Bank of India and others |Respondents |
| (2) | | CWP-23673-2021 (O&M) |
| | Lakhbir Singh |Petitioner |
| | Versus | |
| | IDFC First Bank Limited and another |Respondents |
| (3) | | CWP-713-2022 (O&M) |
| | Vedova's Herbal Care, Village Barotiwala, Ramour Ghat, Paonta Sahib,
District Sirmour (Himachal Pradesh) |Petitioner |
| | Versus | |
| | Indian Bank and another |Respondents |
| (4) | | CWP-11908-2022 |
| | M/s Param Steel Industries, G.T. Road, Alour Khanna, District Ludhiana and
others |Petitioners |
| | Versus | |
| | Reliance Commercial Finance Ltd. |Respondent |
| (5) | | CWP-15124-2022 |
| | Maninder Jit Singh and others |Petitioners |
| | Versus | |
| | Yes Bank Limited and another |Respondents |
| (6) | | CWP-18467-2022 |
| | Harpreet Singh |Petitioner |
| | Versus | |
| | State Bank of India and another |Respondents |



CWP-4675-2021 and connected matters

-2-

- (7) CWP-18524-2022 (O&M)
M/s Shri Krishna Auto and othersPetitioners
Versus
District Magistrate, Ludhiana and othersRespondents
- (8) CWP-18539-2022 (O&M)
Sanjeev KumarPetitioner
Versus
DCB Bank Ltd. and anotherRespondents
- (9) CWP-20234-2022
Suman MalhotraPetitioner
Versus
Authorized Officer, Central Bank of India and anotherRespondents
- (10) CWP-21565-2022
M/s Simran Ji Fabrics and othersPetitioners
Versus
Canara Bank and anotherRespondents
- (11) CWP-23293-2022 (O&M)
M/s H.N. EnterprisePetitioner
Versus
Bank of India and othersRespondents
- (12) CWP-24114-2022
M/s Balaji Trading Company and othersPetitioners
Versus
Indian Bank and anotherRespondents

Date of decision : 12.08.2025



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

Present: Ms. Swati Verma, Advocate, for
Ms. Pratula Sethi, Advocate,
for the petitioner in CWP-4675-2021.

Mr. Arun Jindal, Advocate, and
Mr. Kanish Jindal, Advocate,
for the petitioner in CWP-23673-2021.

Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Anmol Rattan S. Dhillon, Advocate,
for the petitioner in CWP-713-2022.

Mr. Aalok Jagga, Advocate, and
Mr. Harkirat Singh Jagdev, Advocate,
for the petitioners in CWP-11908-2022.

Mr. K.S. Dadwal, Advocate,
for the petitioners in CWP-15124-2022.

Mr. Atul Sharma, Advocate, and
Mr. Tegheet Singh, Advocate,
for the petitioner in CWP-20234-2022.

Mr. Nitin Grover, Advocate, and
Mr. Ram Pal Kohli, Advocate,
for respondents No.2 and 3 in CWP-4675-2021.

Mr. Aditya Grover, Advocate,
for the respondent – Bank in CWP-23673-2021.

Mr. Ankush Bharti, Advocate, for
Mr. K.K. Goel, Advocate,
for the respondent – Bank in CWP-713-2022.

Mr. Vipul Dharmani, Advocate,
for the respondent in CWP-11908-2022.

Mr. Amit Rishi, Advocate,
for the respondents in CWP-15124-2022.

Mr. Ankit Kaushal, Advocate,
for respondents No.3 and 4 in CWP-18524-2022.

Mr. A.D.S. Sukhija, Advocate,
for the respondents in CWP-18539-2022.



Mr. C.S. Pasricha, Advocate, and
Mr. Sushil K. Bhardwaj, Advocate,
for the respondents in CWP-20234-2022.

Mr. R.S. Bhatia, Advocate,
for the respondents in CWP-21565-2022.

Mr. Rajiv Joshi, Advocate,
for the respondent – Bank in CWP-23293-2022.

Mr. Gaurav Goel, Advocate,
for the respondent – Bank in CWP-24114-2022.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners in all these petitions, who are borrowers/guarantors, have approached this Court challenging separate notices issued under Section 13 (2) and/or Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, ‘SARFAESI Act’) issued by the respondent – Banks/Financial Institutions, 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 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 made in these petitions, it does not appear that the petitioners have availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.



4 In view of above 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.

5. The petitioners are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT.

6. Accordingly, all these writ petitions stand disposed of with aforesaid liberty, without commenting on merits, without cost.

7. All the pending applications also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 12, 2025
narotam

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