



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

CWP-28721-2025

Date of decision : 13.10.2025

M/s Brar Pesticides

.....Petitioner

Versus

Sub Divisional Magistrate, Tehsil Rania and others

.....Respondents

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

Present: Mr. Akash Manocha, Advocate, for the petitioner.

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

Mr. Abhinav Sood, Advocate and

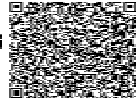
Mr. Akshay Sharma, Advocate, for respondents No.2 and 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Challenge in this petition is to notice dated 09.10.2024 (Annexure P-3) and 01.09.2025 (Annexure P-4) issued by respondent - 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 20.08.2025 (Annexure P-5) passed under Section 14 of SARFAESI Act.

2. This Court, vide interim order dated 24.09.2025, had protected the petitioner by restraining respondent - Bank from taking any coercive steps against the petitioner.

3. 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).

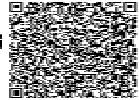
4. The petitioner has not been able to satisfy this Court as to why alternative statutory remedy to approach DRT has not been availed.

5. In view of the 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.

6. Interim order dated 24.09.2025 indicates that bank draft of Rs. 13 lakhs in favour of the loan account in question, which was produced by learned counsel for the petitioner, was deposited with the Registrar General of this Court. Same is ordered to be handed over to learned counsel for the respondent - Bank, latest by tomorrow, on production of copy of this order by learned counsel for the petitioner.

7. Learned counsel for the petitioner submits that remaining amount of approximately Rs. 5 lakhs shall be paid by the petitioner to respondent – Bank within a period of four months.

7.1 Accordingly, the petitioner is relegated to avail appropriate statutory remedy under SARFAESI Act before DRT and thereafter before DRAT. In case petitioners prefers an application under Section 17 of SARFAESI Act within a period of 30 days from today along with copy of this



order, same shall be considered and decided on its own merits, without being dismissed on limitation alone.

7.2 Interim relief granted by this Court in favour of the petitioner – borrower on 24.09.2025 shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioner – borrower deposits balance loan amount within a period of 100 days from today, failing which interim relief shall lose its effect, and respondent Bank shall be free to proceed and liquidate the secured assets to recover balance amount.

7.3 It is made clear that if petitioner approaches 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 petitioner. 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 petitioner having approached this Court or this Court having passed the present order.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

October 13, 2025
narotam

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