



CWP-7095-2025

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

CWP-7095-2025

Date of decision: 26.09.2025

M/S FUTURE SOLAR AND ANOTHERPETITIONER

Versus

UNION OF INDIA AND ANR ...RESPONDENTS

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

Present: - Ms. Mehak Ghangas, Advocate for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India
(through Video Conferencing) with
Mr. Dheeraj Jain, Sr. Panel Counsel, Advocate
for respondent No.1-UOI.

Mr. D.K. Singal, Advocate for the respondent No.2.

SHEEL NAGU, C.J. (Oral)

The substantial challenge in this petition, filed by the petitioner-borrower, is to the notice dated 01.07.2023 (Annexure P-1) issued under Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity); order dated 04.07.2024 (Annexure P-2) passed by the District Magistrate, Panipat, under the provisions of Section 14 of SARFAESI Act as well as possession notice dated 10.02.2025 (Annexure P-3).

2. Learned counsel for the respondent No.2-Bank, in respect to the undertaking that was given by learned counsel for the respondent No.2-Bank on 17.03.2025, contends that the said undertaking was given with the

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hope and expectations that the petitioners-borrowers would come forward and show their *bona fides* in the process of settlement.

3. Learned counsel for the respondent No.2-Bank informs that the petitioners-borrowers have not come forward and therefore the undertaking given by learned counsel for the respondent No.2-Bank is ineffective.

4. It is also informed by learned counsel for respondent No.2-Bank that Securitisation application has been filed by the borrower vide Diary No. 601 challenged the recourses taken by the Bank under Section 13 (4). At the relevant point of time when the said SA was filed, DRT-2 was not functional.

5. However, the aforesaid Bench of the DRT has now become functional as the additional charges of the said Bench has been looked after by DRT-1.

6. The petitioner, thus, is free to approach the DRT by availing the alternative remedy.

7. Accordingly, the present petition stands disposed of.

**(SHEEL NAGU)
CHIEF JUSTICE**

26.09.2025

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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No

**(SANJIV BERRY)
JUDGE**