



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

**CWP-28588-2022 (O&M)
Date of decision: 24.07.2025**

Rajesh Kumar

....Petitioner.

Versus

**Authorized Signatory/Branch Manager Indian
Overseas Bank and others**

....Respondents.

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

Present:- Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

Mr. Gaurav Goel, Advocate, for respondents.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-2830-2025

Keeping in view the averments made in the application, copy of order dated 24.01.2024 is taken on record as Annexure P-9 and exemption to file the same is allowed.

2. Registry to tag the same at appropriate place.
3. Disposed of.

CWP-28588-2022

Challenge in this petition filed by the borrower is to notice issued under Section 13(2) dated 27.04.2022 (Annexure P-2) as well as notice issued under Section 13(4) dated 01.07.2022 (Annexure P-5) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') and also the consequential order dated 03.11.2022 passed by the District Magistrate, SAS Nagar, (Annexure P-7).



2. The Apex Court, time and again has come down heavily on the High Courts for exercising power of judicial review in matters relating to SAFAESI Act, especially where alternative statutory remedy of approaching the DRT or DRAT is not availed. [see *Phoenix Arc Private Limited Vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345; G. Vikram Kumar Vs. State Bank of Hyderabad and others, (2023) 14 SCC 159*].

3. Without commenting on merits of this case, this petition is disposed of with liberty to the petitioner to avail the remedy before the DRT and thereafter before the DRAT.

4. The provisions under Section 5 as well as Section 29 of the Limitation Act 1963, can be availed by the petitioner, to seek the relief of condonation, provided the same is reasonably explained with no element of *mala fide*.

5. Accordingly, this petition is disposed of with the aforesaid liberty.

6. The benefit of interim order of no coercive steps, shall continue till the petitioner avails the aforesaid liberty, provided the same is availed within a period of 30 working days.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

24.07.2025

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