



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

135

CWP-28826-2025

Date of Decision:- 25.09.2025

MEERA AND OTHERS

....Petitioner(s)

Versus

DEBT RECOVERY TRIBUNAL II CHANDIGARH AND OTHERS

...Respondent(s)

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

Present: Mr. Abhinav Sood, Advocate for the petitioners.

Mr. Gaurav Goel, Advocate for respondent-Bank.

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SHEEL NAGU, C.J. (Oral)

1. The petitioners, who are borrowers/guarantors, have approached this Court challenging the demand notice dated 02.08.2022 (Annexure P-3), possession notice dated 23.01.2023 (Annexure P-4) issued u/s 13(2) and 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), respectively and also impugned order dated 10.10.2023 (Annexure P-6) passed by District Magistrate, Faridabad under Section 14 of SARFAESI Act as well as E-auction sale notice dated 06.09.2025 (Annexure P-8) 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, 2002 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 in the petition, it does not appear that the petitioners have availed the statutory alternative remedy of approaching the DRT and/or 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 (Para 17, 27)** ; **Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21)** ; **PHR Invent Educational Society versus UCO Bank and others, 2024 (6)SCC 579 (Paras 22 to 41)**, this Court refrains from exercise of jurisdiction under Article 226 of Constitution.

5. The petitioners are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioners prefer an application under Section 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits, without being dismissed on limitation alone.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

25.09.2025

S.Sharma

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