



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

CWP-24182-2025

Date of decision : 21.08.2025

Gurwinder Singh

.....Petitioner

Versus

AU Small Finance Bank Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MS. JUSTICE RAMESH KUMARI

Present: Mr. S.S. Gill, Advocate, for the petitioner.

Ms. Deepika Mittal, Advocate, for respondent No.1 Bank.

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

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The challenge in this petition is to notice/order dated 17.07.2025 (Annexure P-1) issued under Section 14 (1A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

2. Ms. Deepika Mittal, Advocate, on advance copy, appears on behalf of respondent No.1 Bank. She informs that possession of the secured assets of the petitioner – borrower has been taken by the Bank on 19.08.2025. She fairly submits that if the petitioner wants release of his household articles, which according to the petitioner are exempted under Section 31 (g) of the SARFAESI Act, then on filing of an appropriate application by the petitioner, same shall be considered by the Bank in right perspective.

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. From the averments made in the petition, it does not appear that the petitioner – borrower has availed the statutory alternative remedy of approaching the DRT and/or DRAT.

5. 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 Vs. 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. Accordingly, the petitioner is relegated to avail appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT.

7. The writ petition stands disposed of with aforesaid liberty, without commenting on merits, without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(RAMESH KUMARI)
JUDGE

August 21, 2025
narotam

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