



2025:PHHC:118887-DB

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CWP-36149-2019 (O&M)

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

Date of decision: 28.08.2025

(1-212) CWP-36149-2019 (O&M)

M/s Chahal Cold Storage and otherspetitioner(s).

Versus

District Magistrate and anotherRespondents.

(2-203) CWP-10369-2022

Kashmiri LalPetitioner.

Versus

**Union Bank of India and ors
Limited and othersRespondents.**

(3-213) CWP-36501-2019 (O&M)

M/s Singh Steel Shatring StorePetitioner.

Versus

Tehsildar Cum Executive Magistrate LudhianaRespondent.

(4-220/1) CWP- 8554-2021

Chattar Singh RajpurohitPetitioner.

Versus

Punjab National Bank and othersRespondents.

(5-220/2) CWP-8556-2021

Ram ParkashPetitioner.

Versus

Punjab National Bank and othersRespondents.



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(6-220/3)

CWP-8558-2021

Krishna Devi

....Petitioner.

Versus

Punjab National Bank and others

....Respondents.

(7-227)

CWP-12681-2022 (O&M)

RSA Knit India

....Petitioner.

Versus

District Magistrate and others

....Respondents.

(8-247)

CWP- 3766-2023

Vineet Singh and another

....petitioner(s).

Versus

Central Bank of India and ors

....Respondents.

(9-263)

CWP- 15348-2024

Ram Avtar Singal

....Petitioner.

Versus

Union Bank of India

....Respondent.

(10-277)

CWP-6737-2025

Dushyant Saini and others

....petitioner(s).

Versus

**M/s Piramal Capital and Housing
Finance Limited and others**

....Respondents.

(11-279)

CWP-7427-2025

Amit Sahni

....Petitioner.

Versus

**Piramal Capital and Housing Finance
Limited and others**

....Respondents.



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

Present:- Mr. Geeteshwar Saini, Advocate, for the petitioner(s)
(in CWP-36149-2019)
Mr. Ashish Soi, Advocate, for the petitioner(s)
(in CWP-12681-2022 and in CWP-36501-2019)
Mr. Jai Bhagwan Sharma, Advocate, for the petitioner(s)
(in CWP-3766-2023)
Mr. Mazlish Khan, Advocate, for the petitioner(s)
(in CWP-6737-2025)
Mr. Ferry Sofat, Advocate, for the petitioner(s)
(in CWPs-8554, 8556 and 8558-2021)
Mr. Raman Mohinder Sharma, Advocate, for the petitioner
(in CWP-15348-2024)
Mr. Rajinder Partap Singh Jammu, Advocate,
for the petitioner (in CWP-7427-2025).
Mr. Vivek Goyal, Advocate, for the petitioner
(in CWP-10369-2022)
Mr. Nitin Sansanwal, Advocate for respondent No. 4
(in CWP-2681-2022).
Mr. Gaurav Goel, Advocate, for respondents
(in CWP-3766-2023 CWPs-8554, 8556 and 8558-2021)
Mr. Harsh Chopra, Advocate, for respondent No. 1
(in CWP-6737-2025)
Mr. K.P.S. Dhillon, Advocate, for respondent No. 2
(in CWP-36149-2019 and CWP-36501-2019)
Mr. Piyush Setia, Advocate, for respondent No. 2
(in CWP-15348-2024)
Mr. Saurav Manchanda, Advocate, for respondent-Bank
(in CWP-7427-2025).
Mr. Pancham Sharma, Advocate,
for respondents No. 1 and 2 (in CWP-10369-2022)

Mr. Vipin Pal Yadav, Addl. AG, Punjab.

Mr. Deepak Balyan, Addl. AG, Haryana.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner(s), who are borrowers/guarantors/persons aggrieved, in these writ petitions, have approached this Court challenging order(s) issued u/s 14 of Securitisation and Reconstruction



of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), 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 petitions, it does not appear that the petitioner(s) 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 petitioner(s) are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioner(s) 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. Interim relief, if granted, in the present petitions, shall continue till the DRT takes fresh decision on the question of interim relief, provided the petitioner(s) approach the DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioner(s) approach the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioner(s). 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(s) having approached this Court or this Court having passed the present order.

7. Accordingly, the writ petitions stand disposed of with aforesaid liberty without commenting on merits, without cost.

8. Pending miscellaneous application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

28.08.2025

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