

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 255/2026

Prashant Jat S/o Late Mr. Ram Sahai Jat, R/o Post Wazirpur,
District Sawaimadhopur 322219 (Rajasthan)

----Appellant

Versus

1. Bank Of Baroda, A Banking Company, A Body Corporate Constituted Under The Banking Companies/ Acquisition And Transfer Of Undertaking, Act 1970 And Having Its Head Office At Mandavi, Baroda And One Of Its Branch Office At Branch Wazirpur, Sawaimadhopur Jaipur Through Authorized Signatory.
2. Mr. Jai Singh Meena S/o Dhan Singh Meena, R/o 173, Mandir Ke Pass, Kishorepura, Tehsil- Wazirpur, District- Sawaimadhopur- 322219.

----Respondents

For Appellant(s)	:	Mr. Hans Kumar Sharma Mr. Avinash Meghwal
For Respondent(s)	:	----

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

19/03/2026

1. In this appeal, while assailing the judgment passed by the learned Single Judge, learned counsel submits that the appellant may be allowed to file an appeal before the Debt Recovery Appellate Tribunal (DRAT) against the order passed by the Debt Recovery Tribunal (DRT) dated 30.09.2023.
2. The prayer made by the counsel for the appellant seems to be reasonable.

3. If the appellant filed an appeal against the order dated 30.09.2023 before the DRAT, the delay in time limitation provided under the Act would not come in the way and it is directed that the DRAT shall decide the appeal on merits.

4. It would also be apposite to refer to a decision of the Hon'ble Punjab and Haryana High Court in **Jal Bajrang Traders and Others vs. Anand Rathi Global Finance Limited and Others** **2025 SCC Online P&H 13214** wherein it was held as under :

"5. A three Judges Bench was against the said aspect in PHR Invent Educational Society v. UCO Bank, (2024) 4 SCR 541, where, after considering the judgment passed in United Bank of India v. Satyawati Tandon, (2010) 8 SCC 110, the Hon'ble Supreme Court held as under:—

"21 The views expressed in Titaghur Paper Mills Co. Ltd. v. State of Orissa (supra) were echoed in Assistant Collector of Central Excise, Chandan Nagar, West Bengal v. Dunlop India Ltd. (1985) 1 SCC 260 in the following words:

"Article 226 is not meant to short-circuit or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations, as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it that recourse may be had to Article 226 of the Constitution. But then the Court must have good and sufficient reason to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters. We can also take judicial notice of the fact that the vast majority of the petitions under Article 226 of the Constitution are filed solely for the purpose of obtaining interim orders and thereafter prolong the proceedings by one device or the other. The practice certainly needs to be strongly discouraged."

Further observed in para No. 24 as under:—

24. In City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168, the Court highlighted the parameters which are required to be kept in view by the High Court while exercising jurisdiction under Article 226 of the Constitution. Paragraphs 29 and 30 of that judgment which contain the views of this Court read as under:—

"29. In our opinion, the High Court while exercising its extraordinary jurisdiction under Article 226 of the Constitution is duty-bound to take all the relevant facts and circumstances into

consideration and decide for itself even in the absence of proper affidavits from the State and its instrumentalities as to whether any case at all is made out requiring its interference on the basis of the material made available on record. There is nothing like issuing an ex parte writ of mandamus, order or direction in a public law remedy. Further, while considering the validity of impugned action or inaction the Court will not consider itself restricted to the pleadings of the State but would be free to satisfy itself whether any case as such is made out by a person invoking its extraordinary jurisdiction under Article 226 of the Constitution”.

6. *We, thus, find that inspite of the judgments passed from time to time by the Hon'ble Supreme Court laying clearly without any ambiguity that a writ petition would not be entertained against the orders passed relating to recovery under the SARFAESI Act, yet the writ petitions are being filed.”*

5. With the aforesaid observation, the appeal is disposed of.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACTING CJ