



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 6187 of 2026**

Punjab And Sind Bank

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Purushottam Mani Tripathi, Sr. Advocate  
Counsel for Respondent(s) : C.S.C.

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**Court No. - 1**

**HON'BLE AJIT KUMAR, J.**  
**HON'BLE SWARUPAMA CHATURVEDI, J.**

Heard Sri Tarun Agarwal, learned Senior Advocate assisted by Sri Sandip Chaturvedi learned counsel for the petitioner and Ms. Shruti Malviya, learned brief holder for the State respondents.

This petition is directed against the order of prescribed authority passed under Section 14 of SARFAESI Act, 2002 rejecting the application of the secured creditor for deliberate possession of the secured assets.

It is argued on behalf of the petitioner the reason assigned in the order of rejecting application are untenable as secured creditors is fully vested with power under Section 13 to take measures to get the debt cleared and then it has ordered in favour of Debt Recovery Tribunal under the Act, 1993. He further submits that any amount of stay over and above order of appointment of receiver by Debt Recovery Tribunal in a review petition should not come in the way of the secured creditor enforcing its right under Section 14 of the SARFAESI Act, 2002. He further submits that in view of legal position emerging out from the recent authority of the Supreme Court in the case of **M/s Transcor v. Union of India and Another, 2008 (1) SCC 125** the prescribed authority under Section 14 of Act, could not have travelled beyond examination of the fact and the secured assets is identified and registered under Section 26D of SARFAESI Act, 2002. He further submits that it was stayed by Delhi Court itself in its review petition.

Matter requires consideration.

Ms. Shruti Malvia, learned brief holder representing State respondents is directed to file counter affidavit within a period of four weeks. Rejoinder affidavit, if any, may be filed within two weeks' thereafter.

Issue notice to respondent no. 3 at this stage being contesting parties, returnable by 8th April, 2026.

List this case on 8th April, 2026.

**February 19, 2026**

Sanjeev

**(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)**