

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9260 of 2025

Date of Decision : 06.08.2026

M/s Rupin Associates

..... Petitioner

Versus

Punjab National Bank and another

..... Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Petitioner : Ms. Ridhi Bansal, Advocate, through video conferencing and Ms. Prerna Kashyap, Advocate.

For the Respondents : Mr. Arvind Sharma, Senior Advocate with Ms. Kiran Sharma, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

The challenge is raised to the rejection of the representation dated 07.05.2025 (Annexure P-8) by the Bank on 06.06.2025 (Annexure P-10) and the subsequent forfeiture of 25% of the E-Auction, which was conducted on 11.06.2026 (Annexure P-11), amounting to ₹55,61,715/-, which was 25% of the deposited amount, the auction purchaser is before us.

2. The issue of maintainability of the writ petition was raised before issuing notice by the Coordinate Bench. The Bank, in its reply, has

¹ **Whether reporters of Local Papers may be allowed to see the judgment?**

also relied upon the judgment of the Hon'ble Apex Court, in ***Agarwal Tracom Pvt. Ltd. vs. Punjab National Bank and others, (2018) 1 SCC 626***, wherein specific principle was laid down that the remedy of the auction purchaser against the forfeiture of a deposit would lie under Section 17 of the Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the SARFAESI Act”) before the Debt Recovery Tribunal (DRT), and not by filing a petition under Article 226/227 of the Constitution of India. Resultantly, in the cited judgment, the appeal had been dismissed, upholding the orders and giving liberty to file an application before the concerned DRT under Section 17(i) of the SARFAESI Act.

3. After arguing for some time, faced with the aforesaid situation, learned counsel for the petitioner submits that the said liberty be given to approach the relevant DRT, and points out that the petitioner has been protected since 25.06.2025, as the impugned Annexures P-10 and P-11 were ordered to be stayed.

4. In such circumstances, once there is an alternate and efficacious remedy available, and keeping in view the law laid down in ***United Bank of India vs. Satyawati Tondon and others, (2010) 8 SCC 110***, we are of the considered opinion that when an alternate remedy is available as per the statute, as held by the Apex Court itself, it would not be appropriate for this Court to decide the said issue, as various issues regarding the basis, whether the property was in good condition or not

and where the condition of as is where is, are sought to be argued on merits.

5. Resultantly, we dispose of the writ petition with the aforesaid liberty to the petitioner. Since the amount has already been forfeited, the interim order passed by us would have no adverse consequences as such to the petitioner.

6. Needless to say, if the application is preferred within four weeks from today, the Tribunal shall proceed to decide the issue on merits, keeping in view the fact that the matter was pending before this Court, and in view of the provisions of Section 14 of the Limitation Act.

7. The writ petition stands disposed of, so also, the pending miscellaneous application(s), if any.

(G.S. Sandhawalia)
Chief Justice

August 06, 2026 (KS)

(Bipin Chander Negi)
Judge