

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CWP-23619-2026 (O&M)
Date of decision: 29.07.2026

RENU BALA & ANOTHER

...PETITIONERS

VS.

DEBT RECOVERY APPELLATE TRIBUNAL AND OTHERS

... RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sidhanshu s/o Sh. Vinod Kumar for petitioner No.2 (in-person).

SANJIV BERRY, J.

1. This matter has been taken up in the supplementary list.
2. The present Civil Writ Petition under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the impugned order dated 04.07.2026 (Annexure P-19) whereby the learned Debt Recovery Tribunal-II, Chandigarh had dismissed the prayer for interim protection in the Securitization Application No.253 of 2026 titled as '*Renu Bala & Anr. Vs. Punjab National Bank*' along with order dated 28.07.2026 (Annexure P-26) passed by Respondent No.1 learned Debts Recovery Appellate Tribunal, Delhi in Misc. Appeal No. 245-2026, with further prayer to stay dispossession and operation of aforesaid orders during the pendency of the present writ petition.

3. In *nutshell* the case putforth by the petitioner is that one M/s Subham Sarees through its proprietor, had obtained financial assistance from



respondent No.4- Punjab National Bank and for that purpose, respondent No.6 had created equitable mortgage in favour of the Bank by mortgaging his two shops which were purchased by him vide the sale deed dated 08.10.2002.

3.2 Lateron, on account of default in payment of the loan, proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act') were initiated by the respondent-Bank and the shops in question were put to auction, wherein respondent No.5 became successful auction purchaser thereof vide sale certificate dated 25.11.2010 (Annexure P-1).

3.3 The respondent No.6 unsuccessfully challenged the SARFAESI action initiated by the respondent-Bank culminating in the auction before the Debt Recovery Tribunal-I, Chandigarh vide SA No. 171 of 2010, which was dismissed on 08.04.2015 (Annexure P-2). The appeal preferred against the same vide Appeal No.171 of 2015 was also dismissed by learned Debt Recovery Appellate Tribunal, Delhi vide order dated 15.09.2015 (Annexure P-3). He further challenged the same before this Court by filing CWP No. 19186-2016 which too was dismissed vide order dated 20.09.2016 (Annexure P-4). Even SLP (Civil) No. 3080 of 2017 preferred by him was also dismissed by Hon'ble Apex Court vide order dated 20.09.2024 (Annexure P-5).

3.4 The petitioners claimed themselves to be the tenants in the aforesaid shops. The petitioner No.1 preferred Civil Suit No. 204 of 2007 for permanent injunction, which was decreed vide judgment and decree dated 28.07.2012 (Annexure P-6) restraining the defendants from dispossessing her from the premises except in due course of law.



3.5 Similarly, petitioner No.2 filed Civil Suit No. 156 of 2016 seeking injunction against the auction purchaser, which was disposed of vide order dated 11.11.2016 (Annexure P-7). The petitioners preferred CWP No. 13972-2026, which was disposed of vide order dated 25.05.2026 (Annexure P-18).

3.6 Lateron SA No. 253 of 2026 was preferred by the petitioner before Debt Recovery Tribunal-II, Chandigarh wherein vide order dated 04.07.2026 (Annexure P-19), interim relief prayed for was declined and aggrieved by the same, the petitioners preferred appeal before the learned Debt Recovery Appellate Tribunal, Delhi vide Miscellaneous Appeal No. 245 of 2026, which too was dismissed vide order dated 28.07.2026 (Annexure P-26).

3.7 The petitioners have challenged the impugned orders dated 04.07.2026 (Annexure P-19) and 28.07.2026 (Annexure P-26) by way of this petition.

4. We have considered the submission made by Mr. Sidhanshu son of Mr. Vinod Kumar- petitioner No.2 (appearing-in-person).

5. After considering the submissions made on behalf of the petitioner and perusing the record, it transpires that respondent No.6-Lalit Kumar being proprietor of M/s Subham Sarees had purchased the shops in question vide sale deed dated 08.10.2002 and approached the respondent No.4-Bank for financial assistance by creating equitable mortgage of the shops in favour of the respondent No.4-Bank. Lateron, on account of non-adherence to the financial discipline, the account became NPA and the proceedings under the SARFAESI Act were initiated against the borrower, which ultimately culminated in the auction being held of secured asset, which was acquired by respondent No.5



being successful auction purchaser and the sale certificate dated 25.11.2010 (Annexure P-1) was issued in his favour.

6. Needless to repeat again that the borrower respondent No.6 had unsuccessfully challenged the SARFAESI proceedings before the learned Debt Recovery Tribunal, Chandigarh; learned Debt Recovery Appellate Tribunal, Delhi; this Court and also before the Apex Court by filing SLP (Civil), wherein the SARFAESI proceedings carried by the Bank were upheld. Now consequent upon the notice being received by the petitioners regarding execution of the order under Section 14 of the SARFAESI Act passed by the District Magistrate, the petitioners, claiming themselves to be tenant in the shops in question have started litigation, firstly filing the CWP No.13972-2026, then filing SA-253-2026 before the Debt Recovery Tribunal-II, Chandigarh wherein interim application filed by the petitioners was dismissed vide order dated 04.07.2026 (Annexure P-19) and the same was challenged before the learned Debt Recovery Appellate Tribunal, Delhi wherein also the appeal filed by the petitioners was dismissed vide impugned order dated 28.07.2026 (Annexure P-26).

7. From the above, it is evident that in the previous round of litigation initiated by the borrower-respondent No.6, the action of respondent No.4-Bank in initiating the SARFAESI proceedings which ultimately culminated in the auction being held wherein respondent No.5 became the successful bidder, (an auction purchaser) was issued Sale Certificate dated 25.11.2010 (Annexure P-1) which had been upheld and ultimately the SLP (Civil) No.3080-2017 was dismissed by Hon'ble Apex Court vide order dated 20.09.2024 (Annexure P-5).

8. The petitioners have now started a second round of litigation in 2026, by laying challenge to the SARFAESI action initiated by respondent No.4-



Bank in order to circumvent the lawful process already initiated by the respondent Bank having been culminated, way-back in the year 2010, into the auction being held of the secured asset wherein respondent No.5 was declared as successful auction purchaser vide Sale Certificate 25.11.2010 (Annexure P-1).

9. In this backdrop, the perusal of the impugned orders dated 04.07.2026 (Annexure P-19) and 28.07.2026 (Annexure P-26) would reveal that the concerned authorities have considered the factual and legal aspect while deciding the respective Interim Application as well as Miscellaneous Appeal by categorically observing that the petitioner have not been able to establish their tenancy having been created prior to the mortgage of the property by the borrower in favour of the respondent Bank. There is categoric mention of this fact in the impugned order Annexure P-19 that no reference of any tenancy in favour of the petitioners find mention in the valuation report, search report or the mortgage documents executed, at the time creation of security interest nor any legally admissible evidence has been educed by the petitioner to substantiate their claim. Even in the Securitization Application preferred by the petitioners there is no mention of the precise date of the commencement of the said tenancy nor any terms and conditions, rate of rent etc. find mention therein. There has been consistent finding in the impugned orders, both by learned Debt Recovery Tribunal as well as Debt Recovery Appellate Tribunal to the effect that the petitioners herein have not been able to establish the creation of a lawful tenancy in their favour before the mortgage being created by the borrower. The validity of the SARFAESI action initiated by the respondent-Bank against the borrower, culminating into auction of the secured asset having taken place way back in the year 2010 vide Sale Certificate dated 25.11.2010 (Annexure P-1) having been



issued in favour of respondent No.5, has already been adjudicated in favour of the respondent Bank in all the forums upto Hon’ble Supreme Court of India. The bald plea of tenancy alleged by the petitioners could not be substantiated by them before the learned Debt Recovery Tribunal as well as Debt Recovery Appellate Tribunal so as to make out any case for grant of interim protection against dispossession from the secured asset qua which the SARFAESI action initiated by the Bank had already attained finality vide order dated 20.09.2024 Annexure P-5 passed by Hon’ble Supreme Court of India dismissing the SLP(Civil) filed by the borrower. Even otherwise, the petitioners have not been able to show any illegality or infirmity being there in the impugned orders so as to call for any interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

10. Thus in the light of the above we find that the learned Debt Recovery Tribunal as well as Debt Recovery Appellate Tribunal have passed the impugned orders Annexure P-19 and Annexure P-26 in accordance with law and no illegality or infirmity has been observed therein so as to call for any interference therein.

11. Resultantly, finding no merit in the present petition the same is hereby dismissed.

(SANJIV BERRY)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

Dated: 29.07.2026
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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |