

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 18094 of 2016

Date of decision: 01.09.2016

M/s Ram Pal Shish Pal and another Petitioners

Vs.

Authorized Officer and others Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vivek Goyal, Advocate
for the petitioners.

AJAY KUMAR MITTAL,J.(ORAL)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, *inter alia* seeking quashing of notice dated 05.08.2015 (Anexure P-2) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'). The challenge is also to the possession notice dated 05.10.2015 (Annexure P-4) issued under Section 13(4) of the SARFAESI Act whereby the account of the petitioners has been declared non performing asset (NPA) and the outstanding liability is shown to be ₹ 54,95,990.13/- as on 31.07.2015.

2. Section 17 of the SARFAESI Act, provides right to appeal whereunder any person (including borrower), aggrieved by any of the measures referred to in sub-section (4) of section 13 taken by the secured creditor or his authorised officer under this Chapter, may make an application alongwith such fee, as may be prescribed to the Debts Recovery Tribunal having jurisdiction in the matter within forty-five days from the date on which such measure had been taken.

3. In such a situation, we refrain ourselves to entertain the petition and relegate the petitioners to avail the alternative remedy available to them, in accordance with law.

4. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

01.09.2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No