

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 20731 of 2018
Decided on : 29.11.2018**

M/s Ravlak Technologies Pvt. Ltd. & others

... Petitioner(s)

Versus

Small Industries Development Bank of India & others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Anand Chhibbar, Sr. Advocate with
Mr. Shekher Sarin, Advocate
for respondent No.2.

Mr. Shiv Kumar, Advocate
for respondent No.1.

Mr. A.S. Chadha, Advocate and
Mr. S.K. Biriwal, Advocate
for respondents No.2 to 7.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners/borrowers have approached this Court under Articles 226/227 of the Constitution of India, *inter alia* seeking quashing of order dated 06th August, 2018 (Annexure P-9) passed by the Tehsildar, Nalagarh, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002'). Besides above, certain other prayers have also been made.

2. It was not disputed that against the order dated 06th August, 2018 (Annexure P-9) passed under Section 14 of the SARFAESI Act, 2002, an application under Section 17(1) of the the SARFAESI Act, 2002 is maintainable before the Debts Recovery Tribunal (in short 'the Tribunal') having jurisdiction in the matter.

3. Further, the Apex Court in “*United Bank of India Vs. Satyawati*

Tondon and others (2010) 8 SCC 110”, held as under :

“It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues.”

4. In view of the above, while disposing of the writ petition, we permit the petitioners to take recourse to the remedies under Section 17(1) of the SARFAESI Act, 2002. It is, however, clarified that in case such an application is filed within 15 days from today, the same shall not be dismissed on the ground of limitation.

5. A prayer was also made that during the pendency of the writ petition, an interim protection was granted on 18th August, 2018. It is made clear that the same shall continue till the date of filing of an application under Section 17(1) of the SARFAESI Act, 2002 and 15 days thereafter, to enable the Tribunal to take up the application filed by the borrowers/petitioners for consideration of interim protection. It is further clarified that grant of interim protection by this Court shall not be taken as an expression of opinion on the merits of the controversy. Needless to say that the Tribunal shall make sincere efforts for expeditious disposal of the matter, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2018

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*