

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25596-2018 (O&M)
Date of decision: 05.10.2018
... Petitioner

Khazana Jewellery Pvt. Ltd.

versus

State of Haryana & ors.

... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Viren Jain, Advocate for the petitioner.

Ajay Kumar Mittal, J.(Oral)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction in the nature of Certiorari for setting aside/quashing the direction of respondents No.1 to 3 issued vide Annexure P-8 at the instance of respondents No.4 & 5 seeking the refund of Rs.10 lacs from the Bank A/c No.03232320000142 of the petitioner-company.

2. A perusal of the writ petition shows that there are factual matrix, which require consideration in establishing those facts. In ***United Bank of India vs. Satyawati Tondon and ors., 2010(8) SCC 110*** the apex Court had held that the High Court should not exercise its discretion under Articles 226/227 of the Constitution where an alternative remedy is available to the petitioner under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. Accordingly, the writ petition is disposed of with liberty to the petitioner to either approach the Civil Court or to take recourse to alternative remedy as may be, available to it, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

05.10.2018
sonia

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No