

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No. 26599 of 2018
Decided on : 15.10.2018**

M/s Sunil Cement Store and others

. . . Petitioner(s)

Versus

Canara Bank and another

. . . Respondent(s)

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

PRESENT: Mr. Parminder Singh, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition filed under Articles 226/227 of the Constitution of India, is to the order dated 09.08.2018 (Annexure P-6), passed by the Debt Recovery Tribunal-II, Chandigarh, notice dated 27.12.2017 (Annexure P-2) of symbolic possession issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002') and possession notice dated 27th February 2018 (Annexure P-3) of the SARFAESI Act, 2002.

2. It was not disputed by the learned counsel for the petitioners that the order impugned herein i.e. Annexure P-6 is an appealable order under Section 18 of the SARFAESI Act, 2002, before the Debts Recovery Appellate Tribunal.

3. In view of the above, learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition with liberty to the petitioners to approach the Debts Recovery Appellate Tribunal under Section 18 of the SARFAESI Act, 2002.

4. Dismissed as withdrawn. It shall be open for the petitioners to take recourse to alternative remedies as are available, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

October 15, 2018

J.Ram

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