

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

CWP-29823-2018

Decided on: 27.11.2018

Arun Goyal and others

.... Petitioners

Versus

M/s. Asset Reconstruction Co. India Ltd. and ors. Respondents

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

Present: Mr. K.S. Jatley, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the notice dated 10.05.2018 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') and the notice dated 07.09.2018 issued under Section 13(4) of the 'SARFAESI Act'.

2. It was not disputed that the notice under Section 13(4) of the 'SARFAESI Act' can be assailed by way of an application under Section 17(1) to the said Act. 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 petitioners to take recourse to alternative remedy as may be, available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

27.11.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No