

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

CWP-5400-2019

Decided on: 28.02.2019

M/s. Kartarpur Gas Service and others **Petitioners**

Versus

ICICI Bank Ltd. **Respondent**

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

Present: Mr. Atul Aggarwal, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J (ORAL)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the order dated 15.01.2019 (Annexure P-2), passed by the District Magistrate, Jalandhar.

2. It was not disputed that an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act') is maintainable to challenge the order passed under Section 14 of the SARFAESI Act as held in *Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others*, (2011) 2 SCC 782.

3. In view the above, as certain facts are required to be established, we dismiss the present writ petition by relegating the petitioners to avail the aforesaid alternative remedy by approaching the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(MANJARI NEHRU KAUL)
JUDGE**

28.02.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No