

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

**CWP No. 7103 of 2019
Decided on : 18.03.2019**

M/s Steel Tech India and another

. . . Petitioner(s)

Versus

Indian Overseas Bank and another

. . . Respondent(s)

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

PRESENT: Mr. Atul Mahajan, Advocate
for the petitioner(s).

Mr. C.S. Pasricha, Advocate
for respondent No.1 - Caveator.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking a writ of *Certiorari*, for quashing the order dated 05.02.2019 (Annexure P-28), passed by the Recovery Officer-II, DRT-III, Chandigarh-respondent No.2. Further, prayer has also been made that direction be issued to respondents No.1 & 2 not to sell the property in dispute, which is stated to be sold in view of Rule 53 notice having been issued by respondent No.2 vide order dated 05.02.2019 (Annexure P-28) and further from proclamation of sale (PoS) by the aforesaid respondent. Besides above, certain other prayers have also been made.

2. It could not be disputed that the order dated 05.02.2019 (Annexure P-28), passed by respondent No.2 is appealable under Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (in short 'the Act') before the Debt Recovery Tribunal (in short 'the Tribunal').

3. The Apex Court in “*United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110*”, held as under :

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, we are not inclined to entertain the present writ petition and therefore, dispose of the same by relegating the petitioner either to approach the Tribunal or avail any other alternative remedies as are available to it, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2019

J.Ram

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