

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

127

**CWP No.9348 of 2019
Decided on : 08.04.2019**

M/s Flower Valley Educational and Welfare Society

. . . Petitioner

Versus

Canara Bank and another

. . . Respondents

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

Present: Mr. Deepak Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, seeking quashing of notice dated 29.03.2019 (**Annexure P-2**) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002'), vide which the possession of the School run by the petitioner has been taken by the respondent-Bank. Further prayer has also been made to direct the respondent-Bank to re-consider the request of the petitioner and remove the excessive amount of interest and penalties and take the pending loan amount on easy installments.

2. It was not disputed by learned counsel for the petitioner that against the notice issued under Section 13(4) of the SARFAESI Act, 2002, an application under Section 17(1) of the SARFAESI Act, 2002 is maintainable before the Debts Recovery Tribunal having jurisdiction in the matter.

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

“It is a matter of serious concern that despite repeated 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 dismissed the same by relegating the petitioner either to approach the respondent-Bank/Debts Recovery Tribunal or avail any other alternative remedies as are available to it, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

April 08, 2019
sonia gugnani

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