

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

**CWP No. 11048 of 2019
Decided on : 29.04.2019**

M/s Bharat Export Overseas

... Petitioner(s)

Versus

The Bank of Baroda and others

... Respondent(s)

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

PRESENT: Mr. Mohit Chaudhary, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Article 226 of the Constitution, *inter alia*, seeking quashing of the impugned order dated 08.04.2019 (Annexure P-1), passed by respondent No.2 - District Magistrate, Gurugram - for taking physical possession of the secured assets under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act').

2. It could not be disputed that application under Section 17 of the Act is maintainable against the order dated 08.04.2019 (Annexure P-1) passed under Section 14 of the Act before the Debts Recovery Tribunal having jurisdiction in the matter in view of the judgment of the Apex Court rendered in ***Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others***, (2011) 2 SCC 782.

3. In such a situation and keeping in view the above, as certain facts are required to be established, we refrain ourselves from entertaining the petition and relegate the petitioner to avail the alternative remedy, in accordance with law.

4. Dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(MANJARI NEHRU KAUL)
JUDGE**

April 29, 2019

J.Ram

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