

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

CWP-11979-2019

Decided on: 07.05.2019

Kunal Jain and others

.... Petitioners

Versus

The District Magistrate, Gurugram and another

..... Respondents

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

**Present: Mr. Gaurav Chopra, Advocate
for the petitioners.**

AJAY KUMAR MITTAL, J (ORAL)

Challenge in this writ petition under Articles 226/227 of the Constitution of India, is inter alia for quashing the order dated 16.04.2019 (Annexure P-25) passed by respondent No.1 on an application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act').

2. It was not disputed that an application under Section 17 of the Act is maintainable to challenge the order passed under Section 14 of the Act as held in *Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others*, (2011) 2 SCC 782.

3. In view of the above, we dispose of 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 Act, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(MANJARI NEHRU KAUL)
JUDGE**

07.05.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No