

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

CWP No.12701 of 2019 (O&M)
Decided on :14.05.2019

M/s Annapurna Agro Tech & ors. Petitioners

Versus

State of Punjab and others Respondents

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

PRESENT: Mr. Aalok Jagga, Advocate
for the petitioners.

Mr. Pankaj Gupta, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (Ora l)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking writ of *Certiorari*, for quashing the sale notice dated 12.04.2019 (Annexure P-23) issued by respondent No.4 under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act').

2. It could not be disputed that against the impugned sale notice alternative remedies are available to the petitioners under the Act.

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, the present petition is disposed of by relegating the petitioners to approach the Debts Recovery Tribunal in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

14.05.2019
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No