

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

CWP-8611-2019

Decided on: 16.05.2019

Amarjit Singh Bedi

... Petitioner

Versus

Asset Reconstruction Company (India) Ltd., Mumbai ... Respondent

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

Present: Mr. G.S. Jagpal, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J (ORAL)

Prayer made in this writ petition under Articles 226/227 of the Constitution of India, is inter alia, for issuance of a writ in the nature of certiorari for quashing the notices dated 15.05.2018 and 23.08.2018 (Annexures P-3 & P-4) issued under Sections 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

2. It could not be disputed that against the notice issued under Section 13(4) of the 'SARFAESI Act', an application under Section 17(1) of the said Act is maintainable. In ***United Bank of India vs. Satyawati Tondon and ors., 2010(8) SCC 110*** the apex Court had held that the High Court ordinarily should not exercise its discretion under Articles 226/227 of the Constitution where an alternative remedy is available to the petitioner under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. Accordingly, the writ petition is disposed of by relegating the petitioner to take recourse to alternative remedy as may be, available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

16.05.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No