

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

**CWP-2434-2023 (O&M)
Date of decision: 20.02.2023**

M/s Impression Plus Corporate and Retails Solution Pvt.Ltd. and others

... Petitioners

Vs.

Hinduja Leyland Finance Ltd.

... Respondent

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE SANJIV BERRY.**

Present: Mr. Vipul Aggarwal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J. (ORAL).

Pursuant to the order dated 07.02.2023, passed by this Court counsel submits that the requisite demand draft of Rs.20,00,000/- in favour of the creditor-finance company is not available as the petitioners have not been able to muster the necessary funds.

Be that as it may we find that the challenge in the instant petition is to the SARFAESI proceedings initiated by the creditor-finance company under Section 13 (2) as also Section 13 (4) and thereafter even an application under Section 14 of the SARFAESI Act, has been allowed by the Chief Judicial Magistrate Gurugram vide order dated 13.12.2022 (Annexure P-5).

Having heard counsel for the petitioners and having perused the pleadings on record, we are of the considered view that the petitioners would have an alternate statutory remedy under Section 17 of the Act itself and which the petitioners ought to avail.

A reference in this regard may be made to the judgment of the

Hon'ble Apex Court in *United Bank of India Vs. Satyawati Tondon and others 2010 (8) SCC 110*.

In view of the above and without opining on the merits of the case, writ petition is disposed of in terms of granting liberty to the petitioners to avail of their alternate remedies as may be available in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

20.02.2023
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No