

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

**CWP-4622-2020 (O&M)
Date of Decision: 31.07.2023**

**AMARJIT SINGH AND ANOTHER
Versus**

..... Petitioner(s)

UCO BANK AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. S.K. Rana, Advocate for the petitioners.

Mr. Vimal Kumar Gupta, Advocate for respondents no.1 and 2.

Mr. Sandeep Jain, Additional A.G. Punjab.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside/quashing notice dated 12.03.2019 (Annexure P-1) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act); notice dated 03.06.2019 (Annexure P-2) under Section 13(4) of SARFAESI Act issued by respondent-Bank, notice dated 19.06.2019 (Annexure P-3) under Section 14 of SARFAESI Act issued by respondent no.3 – District Magistrate, Barnala as well as complaint dated 13.02.2019 (Annexure P-5) filed by respondent-Bank against the petitioner under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioners is unable to deny that CWP-21073-2019, filed by the petitioners on the same cause of action was dismissed as withdrawn on 20.09.2019, without any liberty to file afresh. It is further not denied that petitioners have alternate efficacious remedies for redressal of their grievance.

3. In this view of the matter, present writ petition is dismissed with liberty to the petitioners to avail the alternate remedy/remedies as may be available to them in accordance with law. Petitioners would also be free to raise any defence as available to them in Original Application (O.A.) No. 201 of 2023, filed by the respondent-bank before the learned Debt Recovery Tribunal-1, Chandigarh.

4. It is clarified that there is no expression of opinion on the merits of the controversy.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

31.07.2023

Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No