

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

**CWP-4161-2023 (O&M)
Date of decision:01.03.2023**

M/S S.S. Aulakh Kissan Sewa Kendra ... Petitioner

Vs.

State Bank of India ... Respondent

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

Present: Mr. Dinesh K. Malhotra, Advocate for the petitioner.

Ms. Madhu Dayal, Advocate for the respondent/Bank.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Pleadings on record would indicate that notice dated 18.01.2022 (Annexure P-13) stands issued under Section 13(2) of the SARFAESI Act, 2002 (hereinafter to be referred to as 'the 2002 Act').

Thereafter, even a possession notice under Section 13(4) of the 2002 Act has been issued and placed on record at Annexure P-16.

Having heard counsel for the petitioner at length, we are of the considered view that SARFAESI proceedings having been initiated by the creditor/State Bank of India at the stage of possession notice under Section 13(4) of the 2002 Act having also arrived, the petitioner would have a statutory remedy under the scheme of the Act itself. Such remedy would be available under Section 17 of the 2002 Act.

We are of the considered view that the petitioner ought to avail of such remedy.

A reference in this regard may be made to the judgment of the Hon'ble Supreme Court in **United Bank of India Vs. Satyawati Tondon**

and others, 2010 (8) SCC 110.

As such, while declining to interfere in the instant writ petition and while disposing of the same, we grant liberty to the petitioner to avail of its alternate remedies in accordance with law as also under the provisions of the SARFAESI Act.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

01.03.2023
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| (i) Whether speaking/reasoned? | Yes/No |
| (ii) Whether reportable? | Yes/No |