

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

**(140)**

**CWP-5276-2023**

**Decided on : 20.03.2023**

M/s Dev Dhan Raj Agri Products International Pvt. Ltd. and others

.....Petitioner(s)

Versus

State Bank of India and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vivek Goyal, Advocate for the petitioner (s).

Mr. Akshay Jain, Advocate for respondent No.1.

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**G.S. Sandhawalia, J. (Oral)**

In the present writ petition filed under Articles 226/227 of the Constitution of India challenge has been made to the order dated 23.01.2023 (Annexure P-4), wherein properties have been put to auction by the Recovery Officer-1, Debts Recovery Tribunal-II, Chandigarh. Similarly, challenge has also been made to the order dated 06.03.2023 (Annexure P-6), wherein the said officer has dismissed the objections raised on the ground that it is only to delay the recovery proceedings. The same is apparently in pursuance of the Recovery Certificate No.241 of 2020 issued in OA No.517 of 2017, which was for a sum of ₹50,17,65,107.40.

Admittedly the orders which are under challenge are of the Debts Recovery Tribunal-II, Chandigarh, which are apparently appealable, in view of Section 18 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short

‘SARFAESI Act’). Keeping in view the observations made by the Apex

Court in **Varimadugu Obi Reddy Vs. B. Sreenivasulu and others, 2023 (1) RCR (Civil) 34**, wherein also the issue was similar and it was held that the order of the Tribunal which was subject matter of challenge before the High Court is an appealable order under Section 18 of the SARFAESI Act. Resultantly, the Apex Court allowed the SLP and set aside the judgment of the High Court, wherein interference had been made.

Counsel for the petitioner is not in a position as such to press the present writ petition, in view of the above.

Accordingly, keeping in view the above, the present writ petition is dismissed as not pressed with the liberty to petitioner to avail of his alternative remedy in accordance with law.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

**20.03.2023**  
*Naveen*

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|-----------------------------|------|-----|
| Whether speaking/reasoned : | ✓Yes | No  |
| Whether Reportable :        | Yes  | ✓No |