

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

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2023:PHHC:056566-DB

CWP No. 6844 of 2023
Date of Decision: 21.04.2023

Pritpal Singh

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Ajay Kumar, Advocate,
for Mr. Rishu Mahajan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the possession notice dated 19.10.2022 (Annexure P-2) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act').

2. On 13.04.2023, the following contention was noted.

*“As per notice dated 19.10.2022 (Annexure P-2),
outstanding dues are to the tune of Rs.24,68,215.05.*

*Counsel prays for time to produce a demand draft
of Rs.5 lakhs in favour of the respondent No.3-Bank, to
show the bona fides of the petitioner.*

List on 21.04.2023.”

3. Today, the said demand draft is not readily available and counsel for the petitioner, in his usual way, has stated bargaining with the Court by offering a draft of Rs.2,50,000/- only.

4. Keeping in view the fact that the petitioner has an alternative and efficacious remedy as such to approach the Tribunal under Section 17 of the Act against the notice issued under Section 13(4) of the Act, which has been time and again laid down by the Apex Court and recently reiterated in ***SLP No. 22021-22022 of 2022, M/s. South India Bank Ltd. and others vs. Naveen Mathew Philip and another*** decided on 17.04.2023 wherein, it has been held that only in exceptional cases, the resort as such is to be taken to Articles 226 and 227 of the Constitution of India in financial matters. Since the counsel has shown no inclination to furnish a bank draft of even 25% of the amount to show his *bona fides*, we are not inclined to exercise our extraordinary writ jurisdiction.

5. Accordingly, the petition stands dismissed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

21.04.2023
shivani

(SANJIV BERRY)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No