

2023:PHHC:056451-DB

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8048-2023
Date of Decision: 21.04.2023

SURINDER SINGH

...Petitioner

Vs.

BANK OF INDIA

...Respondent

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

Present: Mr. Vijiyesh Malhotra, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate and
Mr. Navjit Singh, Advocate
for the respondent.

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 notices dated 03.12.2018 (Annexure P-1) and 20.03.2019 (Annexure P-2) issued under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'). We are of the considered opinion that there is not only one account but several other accounts wherein also amounts are outstanding.

2. In such circumstances, we are not inclined to entertain the present petition keeping in view the fact that the petitioner has an alternative and efficacious remedy as such to approach the Tribunal 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.

3. The petition is dismissed with aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(SANJIV BERRY)
(JUDGE)

21.04.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No