

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
Neutral Citation No. 2023:PHHC: 057602-DB
(140)

CWP-8114-2023
Decided on :24.04.2023
.....Petitioner(s)

Kuldeep

Versus

State of Haryana & anotherRespondent(s)

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

Present: Mr.Ajay Shekhawat, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

1. Apparently, a demand draft of Rs.1,30,000/- has been produced against a outstanding of more than Rs.32 lakhs. In such circumstances, in the absence of any bona fides to show that the petitioner is willing to discharge the outstandings, we do not find any ground to interfere in the same.
2. Accordingly, we are of the considered opinion that there is an alternate and efficacious remedy available to the petitioner to approach the Tribunal under Section 17 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002. It 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 extra ordinary writ jurisdiction. If there is any statutory violation, the Tribunal can always look into it and grant necessary relief.
3. Accordingly, the petition stands dismissed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

24.04.2023
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No