

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

**104**

**2023:PHHC:055084-DB**

**CWP-11118-2022**

**Date of Decision: 19.04.2023**

Shavet Kairpaul

.....Petitioner(s)

Versus

Deutsche Bank

....Respondent(s)

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

Present: Mr. D.S. Sidhu, Advocate,  
for Mr. Vikas Bali, Advocate,  
for the petitioner.

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**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 15.03.2022 (Annexure P-4) issued under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') whereby, sum of Rs.1,93,20,272.96/- is sought to be recovered. The said notice has been issued in pursuance of the notice issued under Section 13(2) of the said Act on 20.10.2020 (Annexure P-2).

2. 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.

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

(G.S. SANDHAWALIA)  
JUDGE

19.04.2023  
shivani

(HARPREET KAUR JEEWAN)  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |