

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

**CWP-15220-2023 (O&M)  
Date of Decision: 05.10.2023**

**OM LATA**

**..... Petitioner(s)**

**Versus**

**PIRAMAL CAPITAL AND HOUSING FINANCE AND ANOTHER**

**..... Respondent(s)**

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Abhimanyu Balyan, Advocate for  
Mr. Atul Prataap Dhankhar, Advocate  
for the petitioner.

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**LISA GILL, J.**

1. Prayer in this writ petition is for quashing notice dated 14.05.2022 (Annexure P-3) under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) issued by respondent no.1. There is a further prayer for setting aside order dated 28.04.2023 (Annexure P-6), passed by learned Debt Recovery Tribunal-II, Chandigarh, whereby SA No.67/2023 has been dismissed.

2. Order dated 28.04.2023, passed by learned Debt Recovery Tribunal-II, Chandigarh, whereby SA filed by the petitioner has been dismissed, is an appealable order. Petitioner has an efficacious remedy of appeal under Section 18 of SARFAESI Act. It has been held by Hon'ble Supreme Court in *Varimadugu Obi Reddy v. B. Sreenivasulu and others, 2023(1) R.C.R.(Civil)*

**34** as under :-

“34. In the instant case, although the respondent borrowers initially approached the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act, 2002, but the order of the Tribunal indeed was appealable under Section 18 of the Act subject to the compliance of condition of predeposit and without exhausting the statutory remedy of appeal, the respondent borrowers approached the High Court by filing the writ application under Article 226 of the Constitution. We deprecate such practice of entertaining the writ application by the High Court in exercise of jurisdiction under Article 226 of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of pre-deposit contemplated under 2nd proviso to Section 18 of the Act 2002.”

3. Keeping in view the facts and circumstances of the matter no ground whatsoever is made out for interference in exercise of jurisdiction under Article 226 of the Constitution of India. Writ petition is accordingly dismissed with liberty to the petitioner to avail the remedy/remedies as may be available to her, in accordance with law. There is no expression of opinion on the merits of the controversy.

**(LISA GILL)**  
**JUDGE**

**(RITU TAGORE)**  
**JUDGE**

**05.10.2023**

Sunil

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