

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

107+301

2023:PHHC:065729-DB

CWP-25164-2022

Date of Decision: 08.05.2023

Aditya Singh Chauhan

.....Petitioner(s)

Versus

PNB Housing Finance Ltd. and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Kewal Krishan, Advocate,
for Mr. Mukul Goyal, Advocate,
for the petitioner.

Mr. Nitin Grover, Advocate,
for respondent Nos.1 to 3.

Mr. Nitin Thatai, Advocate,
for Mr. Vivek Sethi, Advocate,
for respondent No.4.

G.S.SANDHAWALIA, J. (Oral)

CM-19972-CWP-2022

Application for placing on record Annexures P-17 and P-18 is
allowed, subject to all just exceptions.

The same are taken on record.

CWP-25164-2022

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the securitization proceedings including demand notice dated 12.07.2022 (Annexure P-14) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') and the possession notice dated 28.10.2022 (Annexure P-17) issued under Section

13(4) of the Act.

2. It is pointed out that SA-84-2021 filed by the petitioner is now pending for 20.07.2023 before Debt Recovery Tribunal-II, Chandigarh.
3. Keeping in view the above, we are of the considered opinion that the petitioner has already availed of his alternative and efficacious remedy as such to approach the Tribunal under Section 17 of the Act against the notice dated 28.10.2022 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 Indian 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.
4. Accordingly, the petition stands dismissed and we leave it open to the petitioner to continue with his alternative remedy before the Tribunal in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

08.05.2023
shivani

(GURBIR SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No