

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

CWP-4173-2024

Date of Decision: April 24, 2024

KHURSHID AHMED

..... Petitioner

Versus

PUNJAB NATIONAL BANK

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for respondent – Bank.

LISA GILL, J.

1. Petitioner in this writ petition has challenged proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) initiated against him.

Availing of financial credit by petitioner from respondent – Bank is a matter of record as is the financial indiscipline thereafter, for reasons as may be. Petitioner had earlier approached this Court by way of CWP-2809-2020 challenging earlier notice dated 04.11.2019 under Section 13(2) of SARFAESI Act and dated 08.01.2020 under Section 13(4) of SARFAESI Act. CWP-2809-2020 was withdrawn on 02.11.2023. Relevant paras thereof read as under:-

“2. Learned counsel for petitioner submits that present writ petition is rendered infructuous as subsequent proposal for One Time Settlement dated 19.03.2022 (Annexure P-13) has been sanctioned in favour of petitioner, however, there was only partial compliance of terms and conditions of settlement. Time sought by petitioner to comply with same was rejected and petitioner’s account was again declared Non Performing Asset and proceedings

initiated for sale of secured asset with latest demand notice having been issued on 17.10.2023.

3. In this view of the matter, petitioner seeks to withdraw present writ petition with liberty to the petitioner to avail the remedy/remedies as may be available to him, in accordance with law.

4. Dismissed as withdrawn with liberty as aforementioned.”

3. In the present writ petition challenge is to notice dated 17.10.2023 under Section 13(4) of SARFAESI Act issued subsequently. Present writ petition is clearly not entertainable, keeping in view not only various judgments of Hon’ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110** and **M/s South Indian bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771**. Earlier petition filed by petitioner was withdrawn with liberty to petitioner to avail remedy(ies) as may be available to him in accordance with law. It is undeniable that petitioner has efficacious alternate remedy provided under Statute itself for grievance(s), which is/are sought to be raised in the present writ petition.

4. Writ petition is, accordingly, dismissed with liberty to avail remedy(ies) as already afforded to him in the previous writ petition i.e. CWP-2809-2020.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

April 24, 2024
rts

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