



default on 26.03.2024. Now present petition has been filed by petitioner who is the son of borrower.

3. Learned counsel for the petitioner informs that application for restoration of SA has not been filed till date. Admittedly, petitioner is not a borrower in this case. The borrower i.e. father of petitioner had filed SA No.349 of 2023 which was dismissed in default on 26.03.2024. No effort has been made for restoration of said application. It is pleaded in writ petition that even if such restoration application is filed, it is not likely to be heard as there is no Presiding Officer at DRT-II. It is to be noticed that DRT-II was duly functioning till 14.08.2024. No application was filed till then. It is to be noticed at this stage that this Court vide order dated 30.09.2024 in CWP No.25240 of 2024 has directed that the arrangement of matters of DRT-II being taken up by DRT-I would continue till the next date of hearing in said writ petition or decision/approval by learned Cabinet Committee for Appointments on the proposal submitted before it in this regard, whichever is earlier.

4 In the given facts and circumstances, we do not find any ground to interfere in this matter. It is settled position that SARFESI Act is a complete code in itself providing for specific remedies for any grievances which may arise thereunder. Interference by the High Court in exercise of jurisdiction under Article 226, Constitution of India has to be minimal and actuated only in exceptional and extraordinary circumstances. Gainful reference in this respect can be made to judgments of Hon'ble Supreme Court in '**Union Bank of India Vs. Satyawati Tondan and others, 2010 (8) SCC 110; M/s South Indian Bank Ltd. And others Vs. Naveen Mathew Philip and another, 2023 (2) RCR (Civil) 771 and PHR Invent Educational Society Vs. UCO Bank and others, 2024 AIR (SC) 1893**'.



5 Apart from the fact that petitioner’s father had duly filed SA No.349 of 2023 before the learned Tribunal which was dismissed in default, it is to be noted that relief claimed in this writ petition is qua a private non-banking finance company. Therefore, writ petition in any case is not entertainable. Useful reference in this regard can be made to judgment of Hon’ble Supreme Court in ‘**Phoenix ARC Private Limited Vs. Vishwa Bharti Vidya Mandir and others, 2022(1) RCR (Civil) 888**’, Learned counsel for petitioner is unable to point out any exceptional, extraordinary or justifiable reason which calls for interference by this Court.

6 No other arguments has been addressed.

7 Keeping in view the facts and circumstances as above, writ petition is dismissed without expression of any opinion on the merits of the matter and with liberty to petitioner to avail remedy(ies) as may be available to him in accordance with law.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

03.10.2024

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