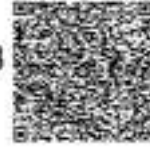


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2024.PHHC.136648-DB



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

**CWP-28403-2024
Date of Decision: October 19, 2024**

Baljinder Singh and others Petitioners

Versus

Reliance Commercial Finance Ltd. & others Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Karan Sachdeva, Advocate for the petitioners.

Mr. Vipul Dharmani, Advocate for respondent No. 1.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside proceedings initiated under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) against the petitioners.

2. It is submitted that financial facility was availed of by petitioners on 31.03.2017. Financial discipline was maintained. However, due to outbreak

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of pandemic COVID-19, there was some financial indiscipline. Account of petitioner, it is stated, was declared Non-Performing Asset (NPA) on 23.12.2020 in illegal manner. Notice(s) under Sections 13(2) and 13(4) of SARFAESI Act were issued on 22.08.2022 and 21.03.2024, respectively.

3. Various arguments have been raised in this writ petition to the effect that proceedings under SARFAESI Act are absolutely illegal and arbitrary and in complete violation of applicable provisions of law. It is prayed that writ petition be allowed. However, we do not find any ground whatsoever to interfere in this writ petition, keeping in view the fact that specific remedies are provided for under SARFAESI Act itself for any grievance which may arise on account of proceedings taken thereunder and interference by Court in exercise of jurisdiction under Article 226 of Constitution of India has to be minimal and actuated in exceptional or extra ordinary circumstances. Gainful reference in this regard can be made to judgments of Hon'ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110; Varimadugu Obi Reddy v. B. Sreenivasulu and others, 2023(1) R.C.R.(Civil) 34** and **M/s South Indian Bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771.**

4. At this stage, learned counsel for respondent No. 1 brings to our notice that SA-343-2024 has also been filed by petitioners though this fact is not mentioned in writ petition. We also take note of the fact that otherwise also this writ petition against private Non-Banking Financial Company is not entertainable in view of judgment of Hon'ble the Supreme Court in **Phoenix ARC Private Limited versus Vishwa Bharti Vidya Mandir and others, 2022 (1) RCR (Civil) 888.**

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5. Keeping in view the facts and circumstances as above, we do not find any ground whatsoever to cause interference in this matter.
6. Writ petition is, accordingly, dismissed with liberty to petitioners to pursue SA-343-2024 filed by them.
7. There is no expression of opinion on merits of the matter.

(LISA GILL)
JUDGE

October 19, 2024
Rts

(SUKHVINDER KAUR)
JUDGE

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