



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

CM-3209-CWP-2019 in/and CWP-1127-2019 (O&M)

Date of decision : 15.09.2025

M/s Maxx Metals Pvt. Ltd. and others

.....Petitioners

Versus

Indian Overseas Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Aalok Jagga, Advocate, for the petitioners.

Mr. Sanjiv Gupta, Advocate (through video conferencing),
For respondent No.1 Bank.

Mr. Anand Chhibbar, Senior Advocate, with
Mr. Sushil Jain, Advocate, and
Ms. Ateevraj Sandhu, Advocate,
for applicants in CM-3209-CWP-2019/proposed respondents
No.4 and 5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners, who are borrowers, have approached this Court challenging notice dated 20.12.2018 (Annexure P-25) issued by the respondent – Bank u/s 13 (4) of the SARFAESI Act, on various grounds.

2. The Apex Court has consistently held that High Courts should refrain from interfering under Article 226 of the Constitution in SARFAESI proceedings. The SARFAESI Act is a complete code, which not only provides for a detailed recovery mechanism but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).



3. From the averments made in the petition, it does not appear that the petitioners have availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.

4 In view of above and the ratio laid down by Apex Court in **United Bank of India Vs. Satyawati Tondon, (2010) AIR SC 3413 (Paras 17, 27); Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21);** and **PHR Invent Educational Society Versus UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)**, this Court refrains from exercising jurisdiction under Article 226 of the Constitution.

5. The petitioners are relegated to avail appropriate statutory remedy under SARFAESI Act before DRT and thereafter before DRAT. In case the petitioners prefer an application u/s 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits, without being dismissed on limitation alone.

6. Interim relief granted in this petition shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioners approach DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioners approach the Tribunal within prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to petitioners. We further make it clear that the Tribunal shall decide request for interim relief strictly on merits of the matter, without being influenced by the fact of petitioners having approached this Court or this Court having passed the present order.

7. Accordingly, the writ petition stands disposed of with aforesaid liberty, without commenting on merits, without cost.



CWP-1127-2019 (O&M)

-3-

8. All the pending applications, including CM-3209-CWP-2019, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

September 15, 2025
narotam

(SANJIV BERRY)
JUDGE

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