



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

CWP-2813-2023 (O&M)

Date of decision : 09.12.2025

M/s Hari Om Mills and another

.....Petitioners

Versus

Canara Bank

.....Respondent

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

Present: Mr. Rohit Suri, Advocate,
Mr. Samarth Suri, Advocate,
and Mr. Divyam Suri, Advocate,
for the petitioner.

Mr. S.S.Kamboj, Advocate, for respondent-Bank.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners, who are borrowers, have approached this Court challenging the demand notice dated 31.08.2022 (Annexure P-5) and possession notice dated 13.12.2022 (Annexure P-6) issued u/ss 13 (2) and 13 (4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), including the auction, which was slated for 13.02.2023, but could not take place due to the interim order passed by this Court on 10.02.2023.

2. Learned counsel for the petitioners has not given any reason, as to why the remedy before the DRT u/s 17 of the SARFAESI Act cannot be availed.

3. Accordingly, this Court declines interference on

merits and relegates the petitioners to avail the remedy u/s 17 of the SARFAESI Act before the DRT, which if availed within a period of 30 days, shall be entertained and decided on merits without being dismissed on limitation ground.

4. Interim relief granted in the present petition vide order dated 10.02.2023, shall continue till the DRT takes fresh decision on the question of interim relief, provided the petitioners approach the DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioners approach the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioners. We further make it clear that the Tribunal shall decide the 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.

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

6. Pending application(s), if any, shall also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

December 09, 2025
Ajay Prasher

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