



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

123-1

**CWP-6137-2020 (O&M)
Date of Decision:- 04.11.2025**

BHAVNEET KAUR PUREWAL AND ANR

....Petitioner(s)

Versus

STATE BANK OF INDIA AND ORS

...Respondent(s)

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

Present: Mr. C.S. Pasricha, Advocate (arguing counsel)
Mr. Sahil Khunger, Advocate,
Mr. Saurabh Sudhir, Advocate for the petitioners.

Mr. Rajiv Joshi, Advocate for respondent-Bank.

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SHEEL NAGU, C.J. (Oral)

1. The petitioners, who are borrowers/guarantors, have approached this Court challenging notices dated 31.10.2019 and 24.01.2020 (Annexures P-6 and P-7) issued u/s 13(2) and 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), respectively on various grounds.

2. After hearing learned counsel for the rival parties, and despite this Court having posed pointed questions to counsel for the petitioners, the counsel is unable to point out any statutory bar or obstacle preventing the petitioners from availing the alternative statutory remedy by filing an application under Section 17 of the SARFAESI Act against the recourses adopted by the Bank.

3. The writ jurisdiction is not meant to adjudicate the disputes which involve disputed questions of fact, especially in the face of unavailed



statutory alternative remedy under Section 17 and thereafter before the DRAT under Section 18.

4. 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, 2002 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).

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

6. The petitioners are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioners prefer an application under Section 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.

7. Interim relief granted in the present 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 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.

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

9. Since the main petition itself has been disposed of, no orders are required to be passed in CM-13031-CWP-2022, which accordingly stands disposed of along with all other pending applications, if any.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

04.11.2025
S.Sharma

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No