



CWP-8840-2022

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

CWP-8840-2022

Date of decision : 26.11.2025

Om Parkash and others

.....Petitioners

Versus

Union Bank of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Brijesh Kumar Jangra, Advocate, for
Mr. Arshad Ali, Advocate,
for the petitioners.

Mr. Gaurav Goel, Advocate (through video conferencing), and
Mr. Saurav Goyal, Advocate,
for respondent No.1.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners are before this Court assailing sale notice dated 21.03.2022 (Annexure P-3) issued by the respondent – Bank.
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. Further, the principle of *Rule of Alternate Remedy* has been reaffirmed and bolstered recently by Apex Court in **Leelavathi N. and others Vs. State of Karnataka and others, 2025 SCOnline SC 2253 (Paras 34-37).**

5. 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 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. The assurance given by learned counsel for respondent – Bank before this Court on 28.04.2022 shall hold good for a period of 30 days for affording an opportunity to the petitioners to approach DRT. It is made clear that if petitioners approach the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of the 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.

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

(SHEEL NAGU)
CHIEF JUSTICE

(YASHVIR SINGH RATHOR)
JUDGE

November 26, 2025
narotam

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