



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

CWP-14214-2022 (O&M)

Date of decision : 19.11.2025

Kesar Singh Sangha

.....Petitioner

Versus

Indiabulls Housing Finance Limited and others

.....Respondents

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

Present: Mr. S.P. Arora, Advocate,
for the petitioner.

Mr. Rajeev Anand, Senior Advocate, with
Mr. Aryan Singh, Advocate,
for respondents No.1 and 2.

Mr. Sumeet Jain, Advocate, and
Mr. Divanshu Kaushik, Advocate,
for respondent No.13 – UT Chandigarh.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner has approached this Court challenging order dated 08.04.2022 (Annexure P-20) issued u/s 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act'), on various grounds.

2. The Apex Court has consistently held that in SARFAESI proceedings, High Courts should refrain from interfering under Article 226 of the Constitution. 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 petitioner has availed the statutory alternative remedy of approaching the DRT and/or 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); PHR Invent Educational Society vs. UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)**, this Court refrains from exercising jurisdiction under Article 226 of Constitution of India. 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 SCCOnline SC 2253 (Paras 34-37)**.

5. The petitioner is relegated to avail the appropriate statutory remedy under SARFAESI Act before DRT and thereafter before DRAT. In case the petitioner prefers 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. It is made clear that if petitioner approaches 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 petitioner. 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 petitioner having approached this Court or this Court having passed the present order.

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

8. Pending miscellaneous application (CM-9087-CWP-2023) also stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

November 19, 2025
narotam

(SANJIV BERRY)
JUDGE

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