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

**CM-12478-2025 in/and
CWP-16888-2025 (O&M)
Date of decision: 28.08.2025**

Manju Verma ….Petitioner.

Versus

Punjab and Sind Bank and another ....Respondents.

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

Present: - Mr. Krishan Singh Dadwal, Advocate,
for the applicant-petitioner.

Mr. Anant Bir Singh Sidhu, Advocate,
for the respondents-Bank (through V.C.)

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SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-12478-CWP-2025 has been preferred by applicant-petitioner, seeking modification of the order dated 29.05.2025 (Annexure A-1) passed by this Court in *CWP-16888-2025 'Manju Verma vs. Punjab and Sind Bank and another'*.

2. This Court while taking cognizance of the matter on 29.05.2025 stayed the impugned auctionr proceedings subject to the petitioner paying an amount of Rs. 20.00 lacs on or before 25.06.2025.

3. The said condition, subject to which the interim order dated 29.05.2025 was granted, was not complied with, since as against Rs. 20.00 lacs only Rs. 07,45,000/- were deposited. Thus, the interim order dated 29.05.205 ceased to exist.

4. With the consent of learned counsel for both parties, date of hearing of the main petition, i.e. CWP-16888-2025, '*Manju Verma vs. Punjab and Sind Bank and another*', which is fixed for hearing on 19.11.2025, is pre-poned and the same is taken up on Board today itself.

5. The petitioner, who is a borrower, has approached this Court challenging notice under Section 13(2) dated 02.01.2024 (Annexure P-2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity), as well as to the possession notice dated 27.03.2024 (Annexure P-3) issued under Section 13(4) of the Act and further to the auction notice dated 23.05.2025 (Annexure P-8), on various grounds.

6. 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).

7. From the averments in the petition, it does not appear that the petitioner has availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.

8. 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.

9. The petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioner prefers 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.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

28.08.2025
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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No