



CWP-19663 of 2022 (O & M)

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

CWP-19663 of 2022(O&M)

Date of decision: 24.09.2025

RAMESHWAR DASS BISHNOI

....Petitioners

V/S

**DISTRICT MAGISTRATE-CUM- DEPUTY COMMISSIONER,
DISTRICT SIRSA AND OTHERS.**

... Respondents

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

Present:- Mr. Lovish Arora, Advocate for the petitioner.
Mr. Suneet Kumar, Advocate, for respondents no. 2 and 3.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. While taking cognizance of this matter, this Court, by an interim order dated 02.09.2022, restrained respondents no. 2 and 3-HDFC Bank from taking any coercive steps, subject to the condition that the petitioner-borrower deposits a sum of Rs.5,00,000/-.

2. It is submitted by learned counsel for the petitioner that the aforesaid amount of Rs.5,00,000/- has already been deposited, which fact is not denied by learned counsel for respondent.

3. From the averments 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 (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.



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5. 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.

6. Interim relief, granted, in the present petition, shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioner approaches DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioner 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 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 writ petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

8. All pending Civil Miscellaneous application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

24.09.2025

Kamal Gandhi

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