IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-20063-2022 (O&M)
Date of Decision:- 20.08.2025

M/S LALIT KUMAR LAVEEN KUMAR

....Petitioner(s)

Versus

AXIS BANK LTD AND ANOTHER

...Respondent(s)

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

Present: Mr. Tushaar Madaan, Advocate for the petitioner.

Mr. D.K. Singal, Advocate for respondent No.1.

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SHEEL NAGU, C.J. (Oral)

1. The petitioner-MSME is before this Court assailing notice dated 19.04.2021 (Annexure P-7) issued by the respondent-Bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act'), to which the petitioner has responded on 06.10.2021 vide Annexure P-10.

2. The scheme of SARFAESI Act is such, which provides not only for a Forum of Debts Recovery Tribunal (DRT) under Section 17 but also under Section 18 before the Debts Recovery Appellate Tribunal (DRAT), to assail the recourses adopted by Bank under Section 13(4).

2.1 However, the SARFAESI Act does not provide for any remedy against a Section 13(2) notice. The petitioner has to await issuance of notice under Section 13(4). [*Please See*: **Mardia Chemicals Ltd. v. Union of India, (2004) 4 SCC 311 (Para 48).**

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3. In this case, the petitioner has failed to show any ground of violation of statutory provision under SARFAESI Act or any Constitutional Right or proven malafide or authority being bereft of jurisdiction to pass orders. Therefore, power of judicial review ought not to be exercised in this regard. [*Please See*: **Whirlpool Corporation vs Registrar Of Trade Marks, Mumbai & Ors , AIR 1999 SUPREME COURT 22 (Paras 14-20)].**

4. In the attending facts and circumstances of the case and in the absence of any ground made out for invoking the power of judicial review or supervisory jurisdiction under Article 226/227 of Constitution of India, this Court declines interference with liberty to avail alternate remedy available in law.

5. Since interim relief has already been granted in the present petition, the same will continue till the DRT takes fresh decision on the question of interim relief, provided the petitioner approaches the DRT within 30 days, failing which the interim relief shall lose its effect.

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

7. Pending applications, if any, shall also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

20.08.2025
S.Sharma

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

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