



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

Date of decision : 13.11.2025

1. CWP-20976-2022 (O&M)

M/s New Tech Drying Industry and others
.....Petitioners

Versus

State Bank of India and another
.....Respondents

2. CWP-11904-2022 (O&M)

M/s New Tech Drying Industry and others
.....Petitioners

Versus

State Bank of India and another
.....Respondents

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

Present: Mr. Anshul Mangla, Advocate,
for the petitioner(s).

Mr. Atul Bhatia, Advocate,
for respondent-bank.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1 This order shall dispose of aforesaid two petitions
filed by petitioners-borrowers challenging the order dated
29.08.2022 (Annexure P-16) (in CWP-20976-2022) passed u/s
14 of Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), along with communication/order dated 21.03.2022 (Annexure P-12) (in CWP-11904-2022) on various grounds.

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, 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).

3. From the averments in the petition, it does not appear that the petitioner(s) have 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 (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.

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 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 vide order dated 14.09.2022, shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioners approach DRT within 30 days, failing which, the interim relief shall lose its effect. It is made clear that if, petitioners 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 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 petitions (CWP-20976-2022 and CWP-11904-2022) stand disposed of with aforesaid liberty without commenting on merits, without cost.

8. Pending application(s), if any, shall also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

November 13, 2025
Ajay Prasher

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