



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

CWP-21514-2022 (O&M)

Date of decision : 12.08.2025

M/s Sahil Sialkot Retail Outlet and Filling Station, Village Todarmajra Chunni
Road, District SAS Nagar Mohali and others

.....Petitioners

Versus

Authorized Officer, Yest Bank and others

.....Respondents

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

Present: Mr. Parunjeet Singh, Advocate,
for the petitioners.

Mr. Amit Rishi, Advocate
for respondents No.1 and 2.

Mr. Indresh Goel, Advocate,
for respondent No.3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners are before this Court assailing notice dated 16.09.2021 (Annexure P-16) issued by the respondent– Bank under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, ‘SARFAESI Act’).

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 notice issued under Section 13 (2). The petitioners have to await issuance of notice under Section 13 (4). [Please see : Mardia Chemicals Ltd. Vs. Union of India, (2004) 4 SCC 311 (Para 48).]

3. In this case, the petitioners have 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 & others, 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 the petitioners to avail alternate remedy available in law.

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

6. All the pending applications also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 12, 2025
narotam

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