



CWP-22894-2022

1

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

CWP-22894-2022

Date of decision: 25.08.2025

PUSHPLATA AND ANR.

...PETITIONERS

Versus

TATA CAPITAL HOUSING FINANCE LTD. AND OTHERS

...RESPONDENTS

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

Present: Mr. Pardeep Balyan, Advocate for
Mr. Vikas Saroha, Advocate
for the petitioners.

Mr. Arham, Advocate (through Video Conferencing) for
Ms. Puja Chopra, Advocate for respondent No.1.

Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Yogeshwar Dayal Kaushik, Advocate
for respondent No.4.

* * * *

SHEEL NAGU, C.J. (Oral)

Mr. Yogeshwar Dayal Kaushik, Advocate has put in appearance on behalf of respondent No.4 and filed power of attorney, which is taken on record.

2. The petitioners, who are borrowers, have approached this Court challenging the impugned notice dated 21.10.2021 (Annexure P-4) issued by respondent No.1 under Section 13 (2) of the SARFAESI Act and order dated 01.08.2022 (Annexure P-5) passed by respondent No.2 under issued u/s 14 of Securitisation and Reconstruction of Financial Assets and

**CWP-22894-2022****2**

Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), on various grounds.

3. 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).

4. From the averments in the petition, it does not appear that the petitioners have availed the statutory alternative remedy of approaching the DRT and/or DRAT.

5. 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.

6. The petitioners are 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.



CWP-22894-2022

3

7. 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.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

25.08.2025
kanika

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>