



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

132

CWP-21767-2025**Date of Decision:- 31.07.2025**

NIRVAIL SINGH AND ANOTHER

....Petitioner(s)

Versus

PUNJAB AND SIND BANK AND OTHERS

...Respondent(s)

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

Present: Mr. Raghav Soni, Advocate for the petitioners.

Mr. Akaant, Advocate for respondent-Bank (through V.C.)

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SHEEL NAGU, C.J. (Oral)

1. The petitioners, who are borrowers/guarantors, have approached this Court challenging order dated 27.06.2025 (Annexure P-1) issued under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), 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 petitioners have availed the statutory alternative remedy of approaching the DRT and/or DRAT.

4. In view of the above and the view of 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 declines exercise of jurisdiction under Article 226 of Constitution.

The petitioners are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

31.07.2025

S.Sharma

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