

2025.PHHC:173250-DB



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

CWP-23403-2022 (O&M)

Date of decision : 10.12.2025

M/s Gurdas Agro Private Limited and others

.....Petitioners

Versus

Deputy Commissioner-cum-District Magistrate, Bathinda and
others

.....Respondents

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

Present: Ms. Ridhi Bansal, Advocate,
and Ms. Sidhi Bansal, Advocate,
for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Rakshit Gupta, Advocate,
for Mr. Rakesh Gupta, Advocate,
for respondent Nos.2 and 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners/borrowers, have approached this Court challenging the demand notice dated 31.03.2021 (Annexure P-15) and order dated 07.09.2022 (Annexure P-22) passed u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), on various grounds.

2. Learned counsel for the petitioners, after arguing for a while, prays for withdrawal of the petition with liberty to approach the DRT.

3. Accordingly, 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.

4. Interim relief granted in the present petition vide order dated 14.10.2022, shall continue till the DRT takes fresh decision on the question of interim relief, provided the petitioners approach the 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.

5. Accordingly, the writ petition stands dismissed as withdrawn with aforesaid liberty without commenting on merits, without cost

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

(SHEEL NAGU)
CHIEF JUSTICE

December 10, 2025
Ajay Prasher

(SANJIV BERRY)
JUDGE

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