



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

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CWP-21534-2025 (O&M)
DATE OF DECISION : 29th July, 2025

M/s J.P.S. Earthmovers Pvt. Ltd. and others Petitioners

Versus

State Bank of India and others Respondents

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

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Present : Mr.Kunwar Yuvraj Singh, Advocate (arguing counsel) with
Mr.R.D.Gupta, Advocate for the petitioner.

Ms. Madhu Dayal, Advocate for respondents – Bank.

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SHEEL NAGU, CJ. (Oral)

1. This petition filed by the borrower assails the auction notice dated 03.07.2025 (Annexure P-6) for conducting an e-auction of the secured asset.

2. It is submitted by learned counsel for the petitioners that the auction is scheduled for tomorrow i.e. 30.07.2025 and the petitioners are ready and willing to pay the remaining dues within the month of August.

3. Learned counsel for the respondent – Bank points out, by referring to communication dated 19.07.2025 (Annexure P-9), that on



earlier two occasions on the request of the petitioners – borrower, the auction scheduled for 27.11.2024 and 28.03.2025 were postponed to afford opportunity to the petitioners – borrower to clear the dues. However, the petitioners did not pay the dues and, therefore, re-auction is being conducted.

4. The petitioners – borrower has approached this Court for invoking the power of judicial review of this Court, without availing the statutory remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debt Recovery Tribunal.

5. The Apex Court has come down very heavily on High Courts which interfere in SARFAESI Act matters under Article 226 of the Constitution, since the 2002 Act is a complete Code providing not only detailed procedure for recovery, but also remedy before Debt Recovery Tribunal and Debt Recovery Appellate Tribunal.

6. This Court declines interference on merits in view of the decision of the 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 (para 10, 21); PHR Invent Educational Society vs. UCO Bank and others, (2024) 6 SCC 579 (para 22 to 41)**, and relegates the petitioners to avail the statutory remedy of approaching the Debt Recovery Tribunal and, thereafter, Debt Recovery Appellate Tribunal.



7. In view of the above, the petition stands disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

29th July, 2025
‘gian’

(SANJIV BERRY)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>