



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

103

CWP-21670-2025**Date of decision: 02.08.2025**

DHARAMPAL

....Petitioner

Versus

DEPUTY COMMISSIONER, DISTRICT MAHENDERGARH AND
ANOTHER

...Respondents

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

Present: Mr. Rao Ajender Singh, Advocate
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Sandeep Suri, Advocate
for the respondent-Bank.

SHEEL NAGU, C.J. (Oral)

1. The petitioner, who is a borrower, has approached this Court challenging the notice dated 25.03.2022 (Annexure P-2) issued under section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act) and order dated 21.09.2023 (Annexure P-4) passed under section 14 of SARFAESI Act.
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 made in the petition, it does not appear that the

petitioner has 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.

5. It would be appropriate that the petitioner is relegated to avail remedy under section 17 of SARFAESI Act. If the application is filed before the DRT within a period of 30 working days, then the DRT would be free to consider the application for condonation of delay, if the petitioner-borrower is able to satisfy that for justifying reasons, he was prevented from coming before the DRT.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

02.08.2025
mohit goyal

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