



CWP-22657-2025 (O&M)
Date of decision: 06.08.2025

.....Petitioners

Versus

.....**Respondents**

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

Present: Ms. Pratula Sethi, Advocate,
for the petitioners.

Mr. Gaurav Goel, Advocate,
and Mr. Tejinder Singh, Advocate,
for the respondent-bank.

SHEEL NAGU, C.J. (ORAL)

1. The petitioners/borrowers have approached this Court, in this petition, assailing the notices dated 28.03.2025 and 29.05.2025 (Annexures P-4 and P-7 respectively) under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, on various grounds.

2. Learned counsel for the rival parties do not dispute that notice under Section 13 (4) of the SARFAESI Act has recently been issued on 04.08.2025.

3. Since there are large number of disputed questions of facts involved in this petition, it would be appropriate for the petitioners to assail the notice under Section 13 (4) of the SARFAESI Act, before the Debts Recovery Tribunal (DRT), a

forum established under the SARFAESI Act.

4. 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).

5. 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 refrains exercise of jurisdiction under Article 226 of Constitution.

6. Without commenting upon merits, the petitioners are, therefore, relegated to avail the statutory remedy under Section 17 of the SARFAESI Act, 2002, before the Debts Recovery Tribunal (DRT) and thereafter, before the Debts Recovery Appellate Tribunal (DRAT).

7. The present petition stands disposed of accordingly.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

06.08.2025

Ajay Prasher

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