

CWP-25725-2025 (O&M)

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

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**CWP-25725-2025 (O&M)
Date of Decision : 01.09.2025**

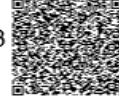
M/s Shiva Cement and General Store**... Petitioner****Versus****Bank of Baroda and another****... Respondents**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Lalit Pathak, Advocate
for the petitioner.

SHEEL NAGU, CHIEF JUSTICE (ORAL)

1. The petitioner being borrower has approached this Court against the recourse taken by the Bank under Section 13(4) of SARFAESI Act, 2002 for not restructuring the CC limit account of the petitioner.
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 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 petitioners have availed statutory alternative remedy of approaching the DRT and thereafter, before DRAT.



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4. Accordingly, in view of the ratio laid down by Apex Court in *United Bank of India Vs. Satyawati Tondon, (2010) AIR SC 3413 (Paras 17, 27)*; *Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21)*; and *PHR Invent Educational Society vs. UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)*, this Court refrains from exercising jurisdiction under Article 226 of the Constitution.

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

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

(SHEEL NAGU)
CHIEF JUSTICE

(SANDEEP MOUDGIL)
JUDGE

01.09.2025
Satyawan

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No