



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

CM-590-CWP-2023 in/and CWP-28646-2022

Date of decision : 26.11.2025

Harpreet Singh

.....Petitioner

Versus

Punjab National Bank and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Arunjeet S. Kakkar, Advocate (through video conferencing),
for the petitioner.

Mr. Ankit Kaushal, Advocate (through video conferencing),
for respondents No.1 and 2.

Mr. Karan Choudhary, Advocate, for
Mr. Inderjeet Sharma, Advocate,
for respondent No.3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-590-CWP-2023

For the reasons mentioned in this miscellaneous application (CM-590-CWP-2023), which is duly supported by an affidavit, applicant Paramjit Kaur is impleaded as respondent No.3.

Accordingly, **CM-590-CWP-2023** is allowed.

CWP-28646-2022

1. The petitioner – borrower is before this Court assailing notices dated 17.04.2017 and 27.06.2017 issued by the respondent – Bank u/s 13 (2) and 13 (4) of the Securitisation and Reconstruction of Financial Assets and



Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act'), followed by sale notice dated 23.08.2022 (Annexure P-2).

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 petitioner has availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.

4 In view of above and 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 Versus UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)**, this Court refrains from exercising jurisdiction under Article 226 of the Constitution. Further, the principle of *Rule of Alternate Remedy* has been reaffirmed and bolstered recently by Apex Court in **Leelavathi N. and others Vs. State of Karnataka and others, 2025 SCCOnline SC 2253 (Paras 34-37)**.

5. The petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioner prefers an application u/s 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.

6. Interim relief granted vide order dated 13.12.2022 shall continue till DRT takes fresh decision on the question of interim relief, provided the petitioner approaches DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioner approaches the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of the Tribunal while deciding the question of interim relief, if admissible to the petitioner. 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 petitioner having approached this Court or this Court having passed the present order.

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

(SHEEL NAGU)
CHIEF JUSTICE

November 26, 2025
narotam

(YASHVIR SINGH RATHOR)
JUDGE

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