IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107+325 **CWP-3550-2026 (O & M)**
Date of Decision:27.04.2026

SUBHASH CHANDER ALIAS SUBHASH BAWEJA
...PETITIONER

VERSUS

STATE OF BANK OF INDIA AND OTHERS **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Abhilaksh Grover, Advocate and
Ms. Sarita, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate and
Mr. Samarth Sagar, Advocate for the respondents.

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SUVIR SEHGAL, J. (ORAL)

CM-6399-CWP-2026

1. Application is allowed as prayed for.

2. Replication to the reply filed on behalf of respondent No.1 is taken on record.

Main Case

1. The entire thrust of the argument of petitioner is that he had purchased agricultural land comprised in Khasra No.29/12/2 measuring 03 kanals and 14 marlas in Village Nangla Gujran, Tehsil and District Faridabad, vide registered sale deed dated 23.03.2013, Annexure P-1. He submits that original owner had mortgaged some of his property as is depicted vide letters dated 05.10.2011 and 19.10.2011, Annexures P-19 and R-5, and property purchased by petitioner is not depicted therein. It is his categoric case that on

account of default in repayment of the loan amount, proceedings were initiated under SARFAESI Act and notices under Sections 13 and 14 were issued. He submits that petitioner approached Debt Recovery Tribunal (DRT) and in securitization application filed by him, counsel for the bank made a statement on 01.05.2017 to the effect that Khasra No.29/12/2 does not form a part of the mortgaged property and that bank will proceed against the mortgaged property, which is in its possession. He states that a categoric statement was made that bank will not proceed against the property, which is not mortgaged and securitization application was disposed of in view of statement made on behalf of bank. Counsel asserts that as a fraud had been committed by petitioner, he lodged an FIR, Annexure P-6, but by judgment dated 20.02.2023, Annexure P-9, accused have been acquitted. Counsel submits that bank again initiated proceedings under SARFAESI Act, which were challenged by him by filing a civil suit, wherein he did not succeed. Counsel points out that although findings were recorded against bank, but suit was dismissed on account of the bar under SARFAESI Act and an appeal filed by him, was withdrawn with liberty to approach an appropriate forum. Counsel submits that thereafter petitioner approached this Court by filing present writ petition and by order dated 06.02.2026, it has been directed that no coercive steps shall be taken against the petitioner.

2. Upon notice, writ petition has been contested by bank-respondent No.1. Counsel for the bank has invited the attention of the Court to affidavit of the borrower as well as report and affidavit of lawyer, who conducted due diligence, to assert that property bearing Khasra No.29/12/2 was mortgaged with the bank. He submits that insofar as confirmation letters, Annexure R-5, is concerned, there was a typographical error and said khasra number could not

inadvertently be mentioned. He emphasizes that this error was rectified when the bank initiated SARFAESI proceedings afresh.

3. On a specific question as to why the confirmation letter could not be corrected in case there was an inadvertent error, he states that as the property had changed hands, confirmation letter could not be rectified without consent of the original owner. An objection has also been taken by him that present petition is not maintainable as remedy available to petitioner is to approach DRT under Section 17 of the SARFAESI Act. Stress has also been laid by him upon the findings recorded by the Trial Court in the civil suit.

4. Having heard counsel for the parties, this Court is of the view that as there is an alternate statutory remedy available to the petitioner. He has to approach DRT challenging the initiation of the proceedings under the SARFAESI Act. In case, petitioner moves DRT on or before 30.05.2026, Tribunal shall decide the proceedings as expeditiously as possible preferably within a period of six months of their institution.

5. It is clarified that till the time proceedings are finally decided by DRT, interim order passed by this Court on 06.02.2026 shall remain in operation.

6. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

27.04.2026
sheetal

(VIKAS SURI)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No