



CWP-4920-2023 (O&M)

1

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

**CWP-4920-2023 (O&M)
Date of decision: 06.03.2026**

MUNISH GOEL**....PETITIONER**

Versus

UCO BANK AND ANOTHER**...RESPONDENTS**

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

Present: - Mr. Dharam Chand Mittal, Advocate for the petitioner.

Mr. Munish Mittal, Advocate for the respondents-Bank.

SHEEL NAGU, C.J. (Oral)**CM-3291-CWP-2026**

1. The instant application under Section 151 read with Order XXII Rule 3 CPC has been filed for impleadment of legal representatives of petitioner-Munish Goel, and for exemption from filing of certified copy of the death certificate of deceased-petitioner (Annexure P-1).

2. For the reasons mentioned in the application, the same is allowed. The legal representatives of the petitioner, Munish Goel, are ordered to be impleaded as parties. The exemption from filing the certified copy of the death certificate of the deceased petitioner is also granted, as prayed for.

3. Amended memo of parties appended with application is taken on record.

MAIN CASE

1. Mr. Dharam Chand Mittal, Advocate, has put in appearance on behalf of petitioners and filed power of attorney, which is taken on record.



2. The challenge in this petition by the petitioners-borrowers is to notice dated 25.11.2019 (Annexure P-4) issued u/s 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity), notice dated 20.01.2021 (Annexure P-7) issued u/s 13 (4) of SARFAESI Act and order dated 17.02.2023 (Annexure P-10) passed by District Magistrate, Panchkula u/s 14 of SARFAESI Act. The petition is pending for approximately 3 years.

3. While taking cognizance of the matter, this Court directed the parties to maintain status quo with regard to possession, subject to the petitioner depositing a sum of ₹50 lakhs, which was deposited on 27.03.2023.

4. As a result of the aforesaid status quo order, which appears to be subsisting till date, the proceedings under the SARFAESI Act have come to a standstill.

5. Since the jurisdictional DRT-II is functional and the petitioner can always agitate all his grievances before the Tribunal, this Court declines interference in this matter on merits. Accordingly, the present petition is disposed of with liberty to the petitioner to file an appropriate application u/s 17 of SARFAESI Act before the jurisdictional DRT. In the event such an application is filed within 30 days from today, along with a copy of this order, the same shall be entertained and decided on merits and shall not be dismissed on the ground of limitation alone.

6. The interim order, which is continuing till date, is directed to continue till DRT takes fresh decision on the question of interim relief. It is made clear that if petitioner approaches the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of 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. The petitioner shall also be at liberty to raise all the contentions before the DRT, including a claim for refund of the amount of Rs.50 lakhs deposited by him as an upfront amount for settlement, which could not possibly worked out and if such a claim is made, the same shall be decided by the DRT in accordance with law while deciding the petition on merits.

8. Pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

06.03.2026
kanika

(SANJIV BERRY)
JUDGE

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No