



CWP-4800-2023

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

CWP-4800-2023

Date of decision: 21.01.2026

AJAY RAGHAV AND OTHERS

....PETITIONERS

Versus

TATA CAPITAL FINANCE SERVICES AND OTHERS

...RESPONDENTS

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

Present: - Mr. H.N. Sahu, Advocate for the petitioners.

Mr. Neeraj Gupta, Addl. A.G. Haryana.

Mr. Samarath Suri, Advocate for
Mr. Sandeep Suri, Advocate for respondent No.1.

Ms. Puja Chopra, Sr. Advocate (arguing counsel)
with Ms. Palak Sharma, Advocate for respondent No.4.

SHEEL NAGU, C.J. (Oral)

The petitioners approach this Court assailing the demand notice dated 22.07.2020 (Annexure P-1) under Section 13 (2) and notice dated 03.12.2020 (Annexure P-2) under Section 13 (4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity) and the sale notice dated 17.03.2021 (Annexure P-4) issued thereafter on the ground that the provisions of Rule 8 (6) in SARFAESI Act have been violated as auction was held within the prescribe period of 30 days.

2. The petitioners may or may not have a good case, but has not come with clean hands before this Court as on the date when the petition



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was taken cognizance of, on 13.03.2023, and the impugned orders (Annexure P-5 and Annexure P-6) were stayed, but subject to the petitioner filing an additional affidavit indicating that they were willing to pay the entire outstanding amount as per Schedule stated therein.

3. The affidavit was, though filed in March, 2023, itself, yet the said undertaking has not been honoured till date, even after the expiry of more than two and a half years.

4. This Court, in its discretionary jurisdiction under Article 226 cannot help a person who has not come with clean hands.

5. Accordingly, this Court dismisses the present petition with liberty to the Bank to proceed with the matter under the SARFAESI Act.

(SHEEL NAGU)
CHIEF JUSTICE

21.01.2026
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |