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CWP-6387-2026
Date of decision: 05.03.2026

....PETITIONER

Versus

...RESPONDENTS

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

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

Mr. Vivek Goyal, Advocate for the respondents No.8 and 9.

SHEEL NAGU, C.J. (Oral)

1. The petitioner-Bank assails the order dated 06.01.2026 (Annexure P-24) passed under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity) by which application filed by the petitioner-Bank under Section 14 of SARFAESI Act has been rejected on the ground of pendency of a civil suit wherein the property in question has been attached.

2. Learned counsel for the borrowers-respondents No.8 and 9, on advance notice, points out a letter dated 18.06.2025 of the Bank which is to the following effect:

*'To
The District Magistrate
Panchkula.
Sub: Canara bank Vs M/s Vishwakarma Technoforge.
Madam,
Please refer to our hearing today in the above case.*

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*As directed, we shall be able to provide you with the De-attachment orders from the respective Court once the Courts re-open after vacations.
However, we wish to inform you that the said process will take some time for which you are requested to keep matter pending. We shall provide you with the copy of the application filed in the courts for the de-attachment of above matter.*

Yours Faithfully

Manager’

3. The aforesaid letter is taken on record as Annexure ‘X’.
4. From the aforesaid, it is obvious that the petitioner-Bank had undertaken before the District Magistrate, Panchkula, to provide de-attachment orders from the Civil Court, which it failed to do, and therefore, this led to the passing of impugned order rejecting their application under Section 14 of SARFAESI Act.
5. The aforesaid fact has not been disclosed anywhere in the petition, which is not disputed by learned counsel for the petitioner-Bank. Accordingly, it appears that the Bank has not come with clean hands before this Court by disclosing all relevant facts.
6. Therefore, the present petition stands dismissed, however, liberty is granted to the petitioner to avail the available alternative remedy in accordance with law.

(SHEEL NAGU)
CHIEF JUSTICE

05.03.2026
kanika

(SANJIV BERRY)
JUDGE