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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 249/2026**

PUNJAB NATIONAL BANK

.....Petitioner

Through: **Ms. Nishi Chaudhary, Adv.**

versus

**DEPUTY DIRECTOR, DIRECTORATE
OF ENFORCEMENT**

.....Respondent

Through: **Mr. Zoheb Hossain, Mr Vivek
Gurnani, Mr. Kartik Sabharwal,
Advs.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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08.01.2026

1. By way of the instant writ, the petitioner is seeking a direction for the restoration of the mortgaged property bearing no. S-474. Greater Kailash Part-II, New Delhi, (*hereinafter 'the subject property'*) attached by the respondent under the provisions of the Prevention of Money Laundering Act, 2002.
2. The petitioner is a nationalised bank and lead member of a consortium of secured creditors, subject property was mortgaged in favour of the petitioner-consortium in the year 2007 by deposit of title deeds to secure credit facilities granted to the borrower company, for which the owner of the property stood as guarantor.
3. Upon default, petitioner initiated recovery proceedings under the



SARFAESI Act, 2002, obtained a recovery certificate from the Debt Recovery Tribunal, and secured orders for taking possession of the mortgaged property. Subsequently, the subject property was attached by the respondent pursuant to proceedings arising out of an ECIR, leading to the present writ petition asserting the petitioner's prior and subsisting rights as a secured creditor.

4. However, a perusal of the clear averments made by the petitioner in paragraph nos. 22 and 24 of the writ petition, it is seen that the petitioner has resorted to two other remedies for securing its interest. The said paragraphs are extracted as under: -

“22.That thereafter the Petitioner herein being aggrieved by the Order dated 16.06.2017 has preferred an Appeal bearing No. FPAPMLA/2417/DLI/2018 titled as “Punjab National Bank Vs. Enforcement of Directorate & Ors.” before the Ld. Appellate Tribunal, PMLA challenging the attachment of the mortgaged property and the same is still pending for adjudication.”

“24.That the Petitioner Bank. in order to protect its vested interest in the mortgaged property and in view of the proceedings initiated under the PMLA Act, has also approached the Hon'ble High Court of Delhi in W.P. (Crl.) No. 1154 Of 2015, by filing CRL MA No. 38973 of 2019 seeking intervention and CRL MA No. 39491 of 2019 seeking permission for the sale of the mortgaged property to recover its outstanding dues and the said applications were necessitated to safeguard the lawful rights of the Petitioner Bank and to ensure that the security interest created in its favour is not defeated or rendered infructuous. Copy of the “RL MA No. 39491 of 2019 filed by the— Petitioner is annexed here with and marked as ANNEXURE — P-8”

5. It is noted that petitioner has preferred Appeal No. FPA-PMLA/2417/DLI/2018 before the PMLA Appellate Tribunal, assailing the order of the Adjudicating Authority confirming attachment of the mortgaged property under the PMLA and the said appeal is stated to be pending adjudication.



6. It is further borne out from the record that the petitioner has also approached this Court in W.P.(Crl.) No. 1154/2015, arising out of the same ECIR, by filing CRL M.A. No. 38973/2019 for intervention and CRL M.A. No. 39491/2019 seeking permission to sell the mortgaged property for recovery of its dues. The said applications are stated to be pending consideration.

7. Thus, it is seen that despite pursuing other said remedies and during their pendency, the petitioner has approached this Court by way of the present writ. It is noted that the petitioner has invoked the extraordinary jurisdiction of this Court without awaiting the outcome of the said proceedings. Such recourse to parallel remedies, during the subsistence of alternate proceedings, is a premature invocation of writ jurisdiction, which is discretionary in its scope and is ordinarily not exercised when efficacious alternative remedies are available and are already being pursued. Moreover, in **Jai Singh v. Union of India**¹, it has been laid down by the Supreme Court that a litigant cannot pursue two remedies simultaneously.

8. Therefore, the Court is not inclined to entertain the petition, at this stage. Liberty however, is granted to take appropriate recourse in accordance in law.

9. Accordingly, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 8, 2026

aks/mj

¹ (1977) 1 SCC 1