

(2026) 08 KAR CK 2218

In the Karnataka High Court, Bengaluru Bench

Case No : WRIT PETITION NO. 23351 OF 2026 (GM-DRT)

M/s. Additive 3D

APPELLANT

Vs

State Bank Of India & Anr.

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

MSMED Act, 2006
Constitution of India — Articles 226 and 227, 226
SARFAESI Act — Section 13(2), 14, 17, 13(4)
DRT

Citation : (2026) 08 KAR CK 2218

Hon'ble Judges : Jyoti M, J

Bench : Single Bench

Advocate : Sri. Thejas N.S., Sri. Lakshmikanth K., Sri. S.Rajashekar

Final Decision : Dismissed

Judgement

Sri.Thejas N.S., counsel on behalf of Sri.Lakshmikanth K., for the petitioner and Sri.S.Rajashekar., Senior panel CGC for respondent No.2 appeared in person.

This petition is filed seeking following reliefs:

(a) Issue a writ, order or direction in the nature of certiorari quashing the impugned demand notice dated 20.05.2025 issued under Section 13(2) of the SARFAESI Act by the respondent No.1 Bank in respect of cash credit account No.43569626113 at Annexure-C.

(b) Issue a writ, order, or direction in the nature of certiorari quashing the entire proceedings initiated by the respondent No.1 Bank under Section 14 of the SARFAESI Act, including the order passed by the 46th Addl. Chief Judicial Magistrate, Bengaluru in Cri.Misc.No.4230/2026 at Annexure-E.

(c) Issue a writ, order or direction in the nature of mandamus, directing the respondent No.1 Bank to constitute a stressed MSME Committee strictly in accordance with Government of India Notification NO.S.O.1432(E) dated

29.05.2015 and Reserve Bank of India guidelines at Annexure-D, to evaluate and implement a comprehensive restructuring proposal for the petitioner firm;

(d) Pass any such other writ, order or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, to meet the ends of justice and equity.

3. Counsel for the respective parties urged several contentions. Counsel for the petitioner placed reliance on decision of the Hon'ble Apex Court in the case of **M/ S PRO KNITS VS. THE BOARD OF DIRECTORS OF CANARA BANK & ORS.** in SLP (C) No.7898/2024.

4. Heard the arguments and perused the papers with care.

5. The authorized officer of the Bank had issued demand notice under Section 13(2) of SARFAESI Act on 20.05.2025. The petitioner's grievance is about the issuance of the demand notice. Any person/s aggrieved by issuance of notices under SARFAESI Act/ Rules are not powerless. They have a liberty of filing objections and also approach DRT under Section 17 of the Act, appealing to the Tribunal if needed. The Apex Court has settled the law in a catena of decisions that a demand notice cannot be challenged by filing a writ petition. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.

6. The Apex Court in Phoenix Case's has held that filing of writ petition before the High Court under Article 226 of Constitution of India is an abuse of process of the Court. It is also observed that whenever a notice is issued under Section 13(2) and 13(4) of the SARFAESI Act, a litigant has statutory efficacious remedy by filing an appeal under the SARFAESI Act, and has cautioned the High Courts not to entertain the writ petitions.

7. The Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.4230/2026 and the Court vide order dated:29.06.2026 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of **UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS** that the High Courts continue to ignore the availability of statutory remedies under the DRT and

SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with great caution, care and circumspection. Hence, I decline to exercise power under writ jurisdiction.

8. Accordingly, the writ petition is ***dismissed***. The petitioners may approach the appropriate forum if so advised and if the law permits.

Because of dismissal the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.