

(2025) 09 P&H CK 0859

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 92 Of 2025 (O&M)

M/S Ritika Farms And Another

APPELLANT

Vs

Debts Recovery Tribunal Ii Chandigarh And Others

RESPONDENT

Date of Decision : 29-09-2025

Acts Referred:

Constitution Of India, 1950 — Article 226
Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security
Interest Act, 2002 — Section 18

Citation : (2025) 09 P&H CK 0859

Hon'ble Judges : Sheel Nagu, CJ; Sanjiv Berry, J

Bench : Division Bench

Advocate : Suresh Kumar Jindal, Komal Jindal, Sonia Bohat, Gaurav Goel, Ajay Singh Rana, V.K. Sachdeva

Final Decision : Disposed Of

Judgement

Sheel Nagu, CJ

1. Learned counsel for the petitioners-borrowers in this petition has assailed the final order of the DRT-II, Chandigarh dismissing S.A. No.227 of 2024 filed against auction notice issued by the respondent-Bank.

2. Counsel for the petitioners is unable to satisfy this Court as to why the Debts Recovery Appellate Tribunal (DRAT), which is a statutory appellate authority available under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity), cannot be approached, except producing a judgment of the Apex Court in SLP(C) No. 10947 of 2024, titled as 'M/s Pargati Feeds and another vs. The Indian Overseas Bank and others', decided on 13.05.2024, which nowhere lays down that statutory alternative remedy provided under SARFAESI Act can be bypassed by filing a writ petition directly under Article 226 of the Constitution of India.

3. Accordingly, this Court declines interference on merits and relegates the

petitioners to avail appellate remedy u/s 18 of the SARFAESI Act.

4. With the aforesaid liberty, writ petition stands disposed of.

5. Pending applications, if any, shall stand disposed of accordingly.