Case Citation: (2026) ibclaw.in 5534 HC



# IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

ON THE 9th OF SEPTEMBER, 2026

WRIT PETITION No. 16502 of 2026

*M/S SUKH SAGAR AGRO INDUSTRIES THROUGH PROPRIETOR MR. GOURAV SINGHAL S/O SUBHASH CHANDRA*

*Versus*

*PUNJAB NATIONAL BANK AND OTHERS*

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Appearance:

Ms Pratiti Rungta - Advocate (through V.C.) appearing on behalf of Shri Sachin Parmar - Advocate for the petitioner.

Shri Gaurav Chhabra - Advocate for the respondent no.1.

Shri Kushagra Singh - Govt. Advocate for the respondent/State.

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ORDER

The present petition under Article 226 of the Constitution of India has been filed praying for the following reliefs:

"7. RELIEF PRAYED FOR: It is therefore, prayed that this Hon'ble Court may kindly be pleased to issue:

7.1 Issuance of a Writ of Certiorari or any other appropriate writ order or direction thereby calling for the records relating to auction of property being House No. 10 and 11, Khasra No. 1416/2 (part), Triveni avenue, Indore, built-up area 930 sq mt dated 06.08.2025 conducted by Ld. Recovery Officer-I, Debts Recovery Tribunal-Jabalpur in respect of loan of Arihant Coal under Recovery of Debts and Bankruptcy Act, 1993 examine the same and declare that the action of Respondent Nos. 1

refusing to file/ register/ record the sale certificate dated 08.02025 in respect of House No.- 10 and 11, Khasra No. - 1416/2 DOREit Triveni Avenue, Indore forwarded by Ld. Recovery Officer-1. FOR Debts Recovery Tribunal Jabalpur vide order dated 07.01.2026 illegal and without jurisdiction.

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7.2 Issuance of a writ of Mandamus or any other appropriate writ order or direction thereby directing the Respondent Nos. 1 to 3 to file/ register/ record the sale certificate dated 08.09.2025 in respect of property being House No. 10 and 11, Khasra No. 1416/2 (part), Triveni Avenue, Indore, built-up area 930 sq mt, Delhi in Book No. I as per Section 89(4) of the Registration Act, 1908 forwarded by Ld. Recovery Officer-I, Debts Recovery Tribunal-Jabalpur vide order dated 07.01.2026.

7.3 Pass such other and further order(s) and grant such other reliefs in favour of the Petitioner that this Hon'ble Court deems just and proper in the facts and circumstances of the case and in the interest of justice and equity:

7.4 Any other relief this Hon'ble Court deems fit may be granted in favour of the petitioner."

2. On the last date of hearing i.e. 25.08.2026, this Court had granted time to the counsel for respondent/State by passing the order which reads as under:

"Learned counsel for the respondent no.1 shall take instructions pursuant to the prayer in the present petition, more particularly, the grievance that the sale certificate issued by the DRT in favour of the petitioner is not registered by the Registrar by making entry in the Book No.1.
Let definite instructions be call and if required, appropriate affidavit disclosing the same be filed or definite statement regarding the same be made on the next date of hearing.
List the matter on 09.09.2026."

3. Today, the counsel for respondent/State has submitted that there is a different view taken by the Court in the case of ***Smt. Shanti Devi L. Singh And Anr. Vs. Tax Recovery Officer and Ors*** reported in ***(1990) 3 SCC 605*** as it is under the Income Tax Act.

4. Learned counsel for the petitioner has relied upon the judgment passed in the case of ***Esjaypee Impex Private Limited Vs. Assistant General manager and Authorized Officer, Canara Bank*** reported in *2021(11) SCC 537,* para 16 and also the order passed by Apex Court in the case of ***The Inspector General of Registration Vs. G. Madhuambal & Anr.[ SLP(C) No.***

*16949/2022 dated 11.11.2022]*,and also in the case of ***State of Punjab and Another Vs. Ferrous Alloy Forgoings P. Ltd. and Others*** reported in *2024 SCC Online 3372* . in support of her contention that sale certificate was though issued by the DRT in favour of the petitioner, but the same is not registered by the Registrar by making entry in the Book No.1

5. I have heard, learned counsel for the rival parties and perused the record.

6. In the case of ***Esjaypee Impex Private Limited, more particularly, para 16, it has been held as under:***

> "We are of the view that the mandate of law in terms of Section 17(2)(xii) read with Section 89(4) of the Registration Act, 1908 only required the authorised officer of the Bank under the SARFAESI Act to hand over the duly validated sale certificate to the auction-purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration of Act."

***7. In the case of The Inspector General of Registration Vs. G. Madhuambal & Anr.(supra), it has been held as under:***

> *"*Learned counsel for the petitioner(s) has made a valia endeavor to persuade us to interfere with the impugned judgment(s) but not successfully. It is logically so as this issue has been repeatedly settled and if one may say, a consistent view followed We may refer to the judgments by the for the last 150 years. Madras High Court in the Board of Revenue No.2 of 1875 (In Re: Case Referred) dated 19.10.1875 opining that a certificate of sale cannot be regarded as a conveyance subject to stamp duty, by the Allahabad High Court in Adit Ram v. Masarat-un-Nissa[1] opining that a sale certificate is not an instrument of the kind mentioned in clause (b) of Section 17 of Act III of 1877 and is not compulsorily registrable and this Court's view in Esjaypee Impex Pvt. Ltd. v. Asst. General Manager and Authorised Officer, Canara Bank[2] opining that the mandate of law in terms of Section 17(2)(xii) read with Section 89(4) of the Registration Act, 1908 only required the Authorised officer of the Bank under the SARFAESI Act to hand over the duly validated Sale Certificate to the Auction Purchase with a copy forwarded to the Registering Authorities to be filed in Book I as per Section 89 of the Registration Act and order of this Court in M.A. No.19262/2021 in SLP(C) No.29752/2019 dated 29.10.2021opining that once a direction is issued for the duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect

as registration and obviates the requirement of any further action.
It is time that the authorities stop filing unnecessary special leave petitions only with the objective of attaining some kind of a final dismissal from this Court every time. Costs this time has been spared but will not be spared the next time.
The needful be done in terms of the impugned judgment(s) within 15 days from today.
The special leave petitions are dismissed.
Pending applications stand disposed of"

8. In the case of ***State of Punjab and Another Vs. Ferrous Alloy Forgoings P. Ltd. and Others, it has been held as under:***

"20. The position of law discussed above makes it clear that sale certificate issued by the authorised officer is not compulsorily registrable. Mere filing under Section 89(4) of the Registration Act itself is sufficient when a copy of the sale certificate is forwarded by the authorised officer to the registering authority. However, a perusal of Articles 18 and 23 respectively of the first schedule to the Stamp Act respectively makes it clear that when the auction purchaser presents the original sale certificate for registration, it would attract stamp duty in accordance with the said Articles. As long as the sale certificate remains as it is, it is not compulsorily registrable. It is only when the auction purchaser uses the certificate for some other purpose that the requirement of payment of stamp duty, etc. would arise.

21. We also do not find any force in the contention of the appellant that the High Court should not have exercised its writ jurisdiction under Article 226 as Respondent no. 1 had an alternate efficacious remedy of filing an appeal against the order of the Company Judge in pursuance of which directions came to be passed by the Registrar. This Court in Radha Krishan Industries v. State of H.P., (2021) 6 SCC 771 observed that an alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law. It was held that when a right 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 invoking the discretionary remedy under Article 226 of the Constitution. However, this Court clarified that this rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion and if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with."

9. Considering the fact that after the judgment passed in the case of ***Smt. Shanti Devi L. Singh(Supra)***, in 2021, the Hon'ble Apex Court has

considered the aspect regarding the SARFAESI Act in the case of ***Esjaypee Impex Private Limited*** and also in the case of ***The Inspector General of Registration Vs. G. Madhuambal & Anr.(supra)***. Though the judgment which is sought to be relied is particularly on the SARFAESI Act, but in the present proceedings, the Debt Recovery Tribunal has issued certificate and thereafter hold successful auction of the secured property by the Recovery Officer and issued certificate.

**10.** Considering the ratio of the above mentioned judgments and the fact that petitioner is a successful purchaser in whose favour the sale certificate was issued, petition is required to be allowed by exercising power under Article 226 by granting reliefs in terms of Clause 7.1 and 7.2 of the relief clause.

**11.** With the aforesaid observation, petition stands disposed off.

**(SANDEEP N. BHATT)**
**JUDGE**

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