

CWP-25163-2026**PALA RAM AND ANOTHER****V/S****AADHAR HOUSING FINANCE LIMITED AND ANOTHER**

Present:- Mr. Sunpreet Singh, Advocate,
 Mr. Gurmehar Sekhon, Advocate,
 Mr. Simran Virk, Advocate for the petitioners.

Learned counsel for the petitioners submitted that respondent No. 1 is a Non-Banking Financial Company and referred to the notice dated 09.06.2025 (Annexure P-1) issued under Section 13(2) of the SARFAESI Act, wherein the recoverable outstanding amount has been shown as ₹7,41,831/-, which is less than ₹20 lakhs. He submitted that the Ministry of Finance (Department of Financial Services) issued a notification dated 12.02.2021 (Annexure P-4), whereby an amendment was made to the notification of the Government of India, Ministry of Finance (Department of Financial Services), bearing S.O. 856(E), dated 24.02.2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated 25.02.2020, substituting the words “*rupees fifty lakh and above*” with “*rupees twenty lakh and above*”. He submitted that, consequently, since the recoverable amount is less than ₹20 lakhs, the respondent No. 1 could not have proceeded against the petitioners under the SARFAESI Act. In this regard, he referred to the order passed by this Court on 04.08.2026 in ‘*Akash Kumar and Another Vs. Piramal Capital & Housing Finance Limited*, wherein notice of motion was issued on a similar issue of law.

Notice of motion for 16.09.2026.

At this stage, learned counsel for the petitioners submitted that respondent No. 1 is likely to take possession of their residential house today itself.

We, therefore, direct that, till the next date of hearing, the petitioners shall not be dispossessed from their residential house.

(JASGURPREET SINGH PURI)
JUDGE

(SANJIV BERRY)
JUDGE

11.08.2026

S.Sharma