

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**WP(C) No.669 of 2026
With
MC(WP(C))No.690 of 2026**

Smt. Maya Devi Nunglepam

Petitioner/s

Vs.

ICICI Bank and Anr.

Respondent/s

BEFORE

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

07.09.2026

[1] This matter is taken up at the mention stage as unlisted due to urgency involved in the matter.

[2] Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Murtaza Ahmed, learned counsel on behalf of the petitioner.

[3] Petitioner has availed three loans bearing Nos. LBIMP00004776488, LBGUW00005135236 & LBGUW00005374435 from ICICI Bank for default of the period, the Bank issued a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act 2002 in short) Rule 3 of the Security Interest (Enforcement Act,2002) on

10.07.2023. Further another notice dated 10.08.2026 was issued for taking possession of the land i.e., C.S Dag No.6213 and 6214, Patta No.42/33(Old), 29(New) Revenue Village No.42 of Keishamthong Imphal, Imphal West, District Manipur measuring an area of 0.0149 . It is submitted that the notice dated 10.07.2023 was never furnished to the petitioner and the petitioner received only the notice for possession dated 10.08.2026. It is also submitted that the petitioner made a payment of Rs. 57,000/- on 05.09.2026 in respect of the loan i.e., LBGUW00005374435 and as such, dues for two loans are remaining and the scheduled for loan re-payment is valid upto 10.05.2033 for three loans. Petitioner also submitted a representation dated 02.09.2026 requesting the respondents to permit 6 months time so that by 31.03.2027, the outstanding due will be paid by the petitioner.

[4] By the present petition, the petitioner *inter-alia* has prayed for interim order of stay on the possession of the land mortgage in respect of the three loans. Even though, there is a panel lawyer for the respondent bank in this Court, without any instruction from the bank, he is not able to appear on behalf of the respondents. Mr. Leo, learned panel counsel for the respondent (ICICI Bank) has informed learned counsel for the petitioner that without any instruction from the Bank, he may not be able to appear at the admission stage without issuance of the notice from the Court.

[5] From the scheme of the Act, it is made clear that any borrower aggrieved by steps taken by the lender under 13 of the SARFAESI Act 2002, can approach Debt Recovery Tribunal having jurisdiction under Section 17 of the Act within a period of 45 days from the date of the impugned order/notice. In other words, remedy is provided under the Act. Hon'ble Supreme Court in the case of ***United Bank of India Vs. Satyawati Tandon and Anr., reported in (2010) 8 SCC 110*** para No.43 observes that High Court should stop entertaining the petition challenging the recovery of dues by the Bank and other financial institutes as alternative remedy is provided. Admittedly the possession notice is dated 10.08.2026 and in terms of provision Section 17 of the Act, 45 days is granted to the borrower to challenge any act of the lender and in the present case, 45 days will expire on 25.09.2026. In such circumstances, petition is disposed of by giving liberty to the petitioner to approach DRT at Guwahati which has jurisdiction over the State of Manipur in connection with the SARFAESI Act 2002. Since the petitioner has 45 days time for approaching DRT which is expiring on 25.09.2026, the writ petition is disposed of at this stage with liberty to approach DRT, Guwahati on the same ground, if so advised. The respondent may keep in mind that jurisdiction by taking physical possession of property mentioned in the notice dated 10.08.2026 will arise only after 25.09.2026.

[6] With the above observations, the present petition is disposed of. It is made clear that this Court does not express any opinion on the merit of case except for explaining statutory position.

[7] Misc.Case is also disposed of in terms of above provision.

JUDGE

Ab. Surjit