**NAFR**

# HIGH COURT OF CHHATTISGARH, BILASPUR

**WPC No.1707 of 2015**

Ashwant Kumar Sahu S/o Babhur Singh Sahu, Aged About 40 Years R/o House No. 125/1, Ward No. 8, Tilda, Pin: 493114, Civil & Revenue Distt. Raipur, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Bank Of India Through Regional Manager, Regional Business Office, (Code: 13496), Adminstrative Office, Byron Bazar, Civil & Revenue Distt. Raipur, (Chhattisgarh)

2. Branch Manager, Neora Branch (01470), Neora, Pin: 493114, Civil & Revenue Distt. Raipur (Chhattisgarh), Through District Magistrate, Raipur, (Chhattisgarh)

3. State Of Chhattisgarh, Through District Magistrate, Raipur, (Chhattisgarh)

4. B.C. Das, Posted As Branch Manager, Neora Branch ()1470), Neora, Pin: 493114, Civil & Revenue Distt. Raipur, (Chhattisgarh)

5. Sudhir Joshi, Posted As Asst. Branch Manager, Neora Branch (01470), Neora, Pin: 493114, Civil & Revenue Distt. Raipur, (Chhattisgarh)

**---- Respondent**

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| For Petitioner | : | Shri Devershi Thakur, Advocate |
| For Respondent No.1/Bank | : | Shri P. R. Patankar, Advocate |
| For Respondent/State | : | Shri D. R. Minz, Dy.G.A. |

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**Order On Board**

**22/09/2015**

Learned counsel for the petitioner submits that notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short “the Act of 2002”) has been issued to the petitioner on 01-08-2015, which the petitioner seriously objects to as respondent-bank are not acting in accordance with law with regard to recovery of loan amount.

2. Learned counsel for respondent-bank submits that against the notice issued to the petitioner under Section 13(2) of the Act of 2002, the petitioner may prefer

representation and that representation would be decided by the respondent authorities before proceeding further in the matter.

3. It is found that the petitioner has filed this petition without preferring any objection/ representation to notice under Section 13(2) of the Act of 2002. In this view of the matter and particularly taking into consideration the stand taken by learned counsel for the respondent Bank, this petition at this stage is disposed off with a liberty to the petitioner to prefer representation/objection to notice under Section 13(2) of the Act of 2002 within a period of 30 days from the date of this order. The respondent Bank/ Security Creditor shall decide the same in accordance with the law before proceeding further in the matter within an outer limit of 60 days from the date of receipt of representation.

It goes without saying that in case, petitioners' grievance is not redressed, it will be open for the petitioner to take recourse to such remedy as may be available to him under the law in the matter.

4. Accordingly, the petition is disposed off.

**Sd/-**
**Manindra Mohan Shrivastava**
**J U D G E**

Tumane