NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1577 of 2015

1. M/s Shri Ganesh Automobiles Through Proprietor Shrimati Hemlata Parekh, W/o Harish Parekh, Aged Abput 38 Years, R/o Main Road, Lanjoda, Tehsil- Farasgaon, Distt. Kondagaon, (Chhattisgarh)

2. Smt. Mohini Devi Parekh, W/o Late C. M. Parekh, Aged About 63 Years R/o Main Road, Lanjoda, Tehsil Farasgaon, Distt. Kondagaon, (Chhattisgarh)

---- Petitioners

Versus

State Bank Of India Through Branch Manager, Main Road, Kondagaon, Distt. Kondagaon, (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri Lalit Jangde, Advocate
For Respondent / Bank	:	Shri P.R. Patankar, Advocate on advance copy

Order On Board

04/09/2015

Heard.

Though the matter is listed on default, looking to the limited prayer made by learned counsel for the petitioners, this petition requires to be disposed off at this stage.

2. It is submitted by learned counsel for the petitioners that a notice under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act of 2002") has been issued to the petitioners, which the petitioners seriously objects to as it is not based on proper computation of the loan liability payable by the petitioners under the law.

3. Learned counsel for the respondent Bank Shri P.R. Patankar, who enters appearance on advance copy, submits that against notice issued to the petitioners under Section 13 (2) of the Act of 2002, the petitioners may prefer representation and

that representation would be decided by the respondent before producing further in the matter.

4. It is found that the petitioners have 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 petitioners 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 producing 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 petitioners to take recourse to such remedy as may be available to them under the law in the matter.

5. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha