

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5668 of 2015 (G)

PETITIONER(S) :

**STATE BANK OF TRAVANCORE,
STRESSED ASSETS RESOLUTION CENTRE, IIND FLOOR,
CHANDRASEKHARAN NAIR STADIUM, PALAYAM, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER.**

**BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW**

RESPONDENT(S) :

- 1. STATE CONSUMER DISPUTES REDRESSAL COMMISSION,
VAZHUTHACAUD, THIRUVANANTHAPURAM-695 010.**
- 2. B.REGHU,
S/O.BHASKARAN, HILL VIEW, AMRITHA BHAVAN,
T.C 65/815(1), THIRUVALLAM, THIRUVANANTHAPURAM-695 001.**
- 3. O.R.SHEEJA,
W/O.B.REGHU, HILL VIEW, AMRITHA BHAVAN,
T.C.65/815(1), THIRUVALLAM, THIRUVANANTHAPURAM- 695 001.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE COMMUNICATION DATED 24-09-2013 SENT BY THE BANKING OMBUDSMAN TO THE PETITIONER BANK.
- EXT P2 : TRUE COPY OF THE NOTICE UNDER SECTION 13(@) SARFAESI ACT DATED 18-09-2012 ISSUED BY THE PETITIONER BANK TO THE RESPONDENTS 2 AND 3.
- EXT P3 : TRUE COPY OF THE COMPLAINT NUMBERED AS C.C.NO.49 OF 2014 FILED BY THE RESPONDENTS BEFORE THE 1ST RESPONDENT;
- EXT P3(A): TRUE COPY OF THE I.A.NO.396 OF 2014 IN CC. NO.49 OF 2014.
- EXT P4 : TRUE COPY OF THE JUDGMENT DATED 14-11-2014 IN WP(C).NO.28335 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.
- EXT P5 : TRUE COPY OF THE ORDER DATED 25-11-2014 IN I.A.NO.396 OF 2014 IN C.C.NO.49 OF 2014 OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 5668 of 2015 (G)

.....
Dated this the 23rd day of February, 2015

JUDGMENT

The petitioner Bank has filed this writ petition challenging Ext.P5 order of the 1st respondent Commission whereby, the 1st respondent has granted a conditional stay against recovery proceedings initiated by the Bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act' on condition that the petitioner before the 1st respondent Commission pays an amount of Rs.6,16,977/- and Rs.13,566/- to the petitioner Bank.

2. When the matter came up for admission, it was brought to my notice by learned counsel for the petitioner Bank, that the issue as to whether the Consumer Disputes Redressal Forum has jurisdiction to pass orders in matters involving the steps taken by the Bank in terms of SARFAESI Act, has already been considered by this Court and answered in the negative by the decision in **Punjab National Bank v. Consumer Disputes Redressal Forum** [2011 (3) KLT 616].

3. Accordingly, following the said judgment, I allow this writ petition by quashing Ext.P5 order and holding that the 1st

respondent Consumer Disputes Redressal Commission has no jurisdiction to entertain a complaint in respect of measures taken by the Bank or a financial institution under the SARFAESI Act, and further that the 1st respondent Commission has no jurisdiction to give any relief whatsoever against the same.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/23/02/