

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

WRIT PETITION No.19860 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed questioning the Demand Notice, dated 15.04.2015, issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act').

Petitioner is the guarantor for the loan extended to the 3rd respondent in two accounts. There is also a third account to the 3rd respondent, but the petitioner is not a guarantor for such account. By impugned notice, dated 15.04.2015, an amount of Rs.74,93,731/- is shown as due as on 02.04.2015.

It is the case of the petitioner that in spite of his request, the 1st respondent – Bank is not giving particulars of the amount due and though he has paid certain amounts, they are adjusted to the third account, for which he is not the guarantor.

A detailed counter affidavit is filed by the 1st and 2nd respondents denying the various allegations made by the petitioner and in clear terms, it is stated that initially, for the third account, petitioner was shown as guarantor under

mistaken impression and subsequently, the same was rectified. It is also stated that the amounts paid by the petitioner were adjusted to the account for which the petitioner stood as guarantor. In any event, as the impugned notice is issued under Section 13 (2) of the Act, if the petitioner is having any objections, he can file such objections/representation as provided under Section 13 (3) of the Act and without filing the same, the petitioner has directly rushed to this Court.

In that view of the matter, this Writ Petition is disposed of, granting liberty to the petitioner to file the objections, if any, to the impugned Demand Notice within one week from today before the 1st respondent – Bank and if any such objections are filed, we are sure that the 1st respondent – Bank will consider the same on its own merits. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

September 16, 2015

Note: Issue C.C. by 21.09.2015.
B/o.MD