

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

WRIT PETITION No.23304 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case is as under:

“This Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to set-aside the Notice vide Ref: CRLD:SN:1868/16, dt.09.05.2016, issued by the 1st respondent, subsequently, direct the respondents to verify the collection of penal interest @ 2% on the overdue instalments in the presence of the petitioner by permitting the petitioner to pay the remaining monthly instalments from March, 2016 onwards, as per the Letter, dt.26.11.2009 of the 2nd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Challenge levelled by the petitioner is to the demand notice dated 09.05.2016 issued by the respondent bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002').

In the light of the law laid down in **DEVI ISPAT LTD. v. SBI**^[1], it is not open to the petitioner to approach this Court against a demand notice issued under Section 13(2) of the Act of 2002.

On this short ground, the writ petition is dismissed. It is left open to the petitioner to raise all issues at the appropriate stage before the appropriate forum in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date: 15.07.2016
GJ

[\[1\]](#) (2014) 5 SCC 762