

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

-
WRIT PETITION No.19586 of 2016

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

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

“It is therefore prayed that this Hon'ble Court may be pleased to issue an order or orders more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent herein in issuing the Demand Notice vide Ref.No.GNT/SARFEASI/EDU/2016, dated 19-04-2016 to the petitioner demanding him to pay Rs. 15,36,054/- including "Interest Subsidy" of Rs. 2,99,519/- within 60 days as biased, illegal and violative of the existing rules and set aside the aforesaid Demand Notice dated 19-04-2016 and consequently direct the respondents to grant above "Interest Subsidy" to the Borrower and allow the petitioner to pay the balance loan amount of Rs. 12,36,535/- only in equal monthly installments (EMI) for Rs.15,753/- per month hereinafter and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Challenge levelled by the petitioner is to the demand notice dated 19.04.2016 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

20th June, 2016
IBL

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