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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 317/2016

COUNTRYSIDE AGRO PRODUCE
PVT LTD & ANR

..... Appellant

Through: Mr. J.P. Sengh, Sr. Adv. with Mr.
Manish Sharma, Mr. Abhishek
Agarwal, Ms. Sana Ansari, Ms.
Jigyasa Sharma and Mr. Rohit
Sharma, Advs.

versus

PUNJAB & SIND BANK & ORS

..... Respondent

Through: Mr. Ravinder Wali, Adv. for R-1.
Mr. K.S. Parihar, Adv. for RBI.
Mr. Dev P. Bhardwaj, CGSC for
UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **20.05.2016**

CM No.19138/2016 (exemption)

Allowed, subject to all just exceptions.

LPA 317/2016 & CM No.19137/2016 (stay)

1. W.P.(C) No.3436/2016 filed by the appellants herein assailing the demand notice and possession notice issued by the respondent No.1/Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') primarily on the ground that the unit of the petitioners/appellants for which the financial assistance was availed is situated in drought affected areas in

Maharashtra was dismissed by the learned Single Judge by the order under appeal dated 25.04.2016.

2. It is vehemently contended by Shri J.P. Sengh, the learned Senior Advocate appearing for the appellants that having opined that the question raised in the writ petition needs adjudication before the concerned High Court which may be dealing with similar claims, the learned Single Judge ought not to have gone into the merits of the case and dismissed the writ petition relegating the petitioners/appellants herein to the alternative remedy available under Section 17 of the Act.

3. Having perused the material available on record and having heard the learned counsel for the respondents, we find force in the submission of the learned Senior Counsel for the appellant and we consider it appropriate to leave it open to the appellants to file a fresh petition before the concerned High Court.

4. Accordingly, the findings/observations made by the learned Single Judge in the order under appeal on merits of the case shall stand set aside and the appeal is disposed of granting liberty to the appellants to file a fresh writ petition before the concerned High Court.

CHIEF JUSTICE

JAYANT NATH, J

MAY 20, 2016/pmc
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