

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 160 of 2017

1. Umeshwar Dubey S/o Late Vishwanath Dubey Aged About 59 Years R/o Mayapur, Ambikapur, P.S. Ambikapur, District-Surguja, Chhattisgarh

---- Petitioner

Versus

1. Regional Manager C.G. Rajya Gramin Bank Regional Office Baikunthpur, First Floor, School Para, Main Raod, Baikunthpur, District- Koriya, Chhattisgarh
2. The Branch Manager C.G. Rajya Gramin Bank, Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Petitioner

Shri Rakesh Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/01/2017

1. This petition is preferred challenging the notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act, 2002') on the ground that when the petitioner obtained the subject loan he was an employee of the respondent Bank, however, since then he has been removed from service. At the time of his removal from service the respondent should have recovered the

amount from the dues payable to the petitioner, but the same has not been done, therefore, the petitioner is not liable to pay interest.

2. Admittedly, the petitioner has remedy of submitting representation before the competent authority of the respondent, as provided under Section 13 (3A) of the Act, 2002.
3. In view of the above, the writ petition is disposed of with an observation that if the petitioner prefers such statutory representation before the respondent Bank within a period of 15 days from today, the same shall be considered and decided, in accordance with law under the provisions contained in Section 13 (3A) of the Act, 2002.

Sd/-

Judge
Prashant Kumar Mishra

Gowri