

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE MS.JUSTICE J.UMA DEVI

WRIT PETITION NO.6235 OF 2017

ORDER

*(Per Sri Justice Sanjay Kumar)*

This writ petition was filed assailing the action of the State Bank of India, Peapully Branch, Kurnool District, in issuing a notice under Rule 8(5) & (6) of the Security Interest (Enforcement) Rules, 2002 (for brevity, 'the Rules of 2002') on 18.10.2016.

The ground for challenge is that the bank failed to consider the petitioner's representations dated 09.12.2015 and 31.01.2017 under Section 13(3A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act of 2002').

The respondent bank filed its counter contesting the claim of the petitioner. Therein, the bank pointed out that the initial demand notice issued on 21.02.2015 under Section 13(2) of the Act of 2002 was withdrawn thereafter and therefore the petitioner's representation dated 09.12.2015 submitted in response thereto did not survive for consideration. The bank thereafter issued the second demand notice dated 12.05.2016 under Section 13(2) of the Act of 2002 and the petitioner failed to submit any representation or objections thereto. It is specifically pointed out that the so-called representation dated 31.01.2017 made by the petitioner was not in response to the demand notice under Section 13(2) but was in response to the notice issued under Rules 8(5) & (6) of the Rules of 2002.

Upon perusal of the record, we find it to be so. Therefore, the petitioner failed to make out any cause for interference on the ground that the objections or representations submitted by her to the demand notice

dated 12.05.2016 under Section 13(2) of the Act of 2002 was not considered by the bank in terms of Section 13(3A) of the Act of 2002.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

As we are informed that the parties are in the process of negotiating a settlement, we make it clear that dismissal of this writ petition shall not preclude them from proceeding further with such negotiations.

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SANJAY KUMAR,J

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J.UMA DEVI,J

7<sup>TH</sup> NOVEMBER, 2017

PGS

