

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.11344 of 2017

ORDER: [Per the Hon'ble Sri Justice *Sanjay Kumar*]

The Writ Petition was filed challenging the Demand Notice dated 9.1.2017 issued by the State Bank of India under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

In the light of the law laid down by the Supreme Court in *Punjab National Bank v. Imperial Gift House*¹ and *Devi Ispat Limited and Another vs. State Bank of India and Others*,² a writ petition would not be maintainable ordinarily against a Demand Notice under Section 13(2) of the SARFAESI Act. No exceptional circumstances are made out presently to deviate from this norm.

The Writ Petition is accordingly dismissed on this short ground leaving it open to the petitioner to avail appropriate remedies in accordance with law as and when a cause of action arises.

¹ (2013) 14 SCC 622

² (2014) 5 SCC 762

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

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

Date: 29.06.2017

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