

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS**

WRIT PETITION NO.9360 OF 2017

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

Sri Venkateswara Rao Gudapati, learned counsel for the petitioners, would fairly state that as the secured creditor is contesting the claim of his clients that the demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was not served upon them, liberty may be given to the petitioners to approach the jurisdictional Debts Recovery Tribunal as such disputed question of fact may not be amenable to resolution in this writ petition filed under Article 226 of the Constitution.

Accepting the submission of the learned counsel, we are of the opinion that the interim protection afforded to the petitioners by this Court under order dated 23.03.2017 should be extended for a reasonable length of time to enable the petitioners to invoke the statutory remedy.

The writ petition is accordingly disposed of leaving it open to the petitioners to approach the jurisdictional Debts Recovery Tribunal within three weeks from the date of receipt of a copy of this order. The secured creditor shall not initiate any coercive steps for dispossessing the petitioners from the secured assets till the expiry of such time. Needless to state, the Debts Recovery Tribunal shall deal with the matter on its own merits uninfluenced by the fact that interim protection was afforded to the petitioners in this writ petition.

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

SANJAY KUMAR, J

c

ANIS, J

12th JULY, 2017

Note: Issue C.C. in two days.
B/o Svv

