

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No. 15945 of 2017

ORDER: (*per Hon'ble Sri Justice Sanjay Kumar*)

This writ petition was filed assailing the reply dated 15.04.2017 addressed by the Vijaya Bank in response to the objections raised by the petitioners under Section 13 (3-A) of the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') against the demand notice dated 04.02.2017 issued by the Bank under Section 13(2) thereof.

It is well settled (*Standard Chartered Bank vs. Noble Kumar*¹) that at the stage of rejection of the representation/objections of the borrower to the demand notice under Section 13(2) of the SARFAESI Act, no remedy is available. It is only after measures are initiated under Section 13(4) of the SARFAESI Act that the right to invoke the statutory remedy under Section 17 of the SARFAESI Act would arise.

The petitioners are therefore liable to be non suited on this ground and the writ petition is accordingly dismissed. The petitioners are at liberty to avail appropriate remedies in accordance with law as and when cause of action arises. All issues are left open.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 11.07.2017

JUSTICE GUDI SEVA SHYAM PRASAD

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¹ (2013) 9 SCC 620