

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

WRIT PETITION No.251 of 2016

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed assailing the demand notice dated 06.11.2015 issued by the Andhra Bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

In the light of the law laid down by the Supreme Court in Punjab National Bank v. Imperial Gift House¹ and Devi Ispat Limited v. State Bank of India², a writ petition would not lie ordinarily against a demand notice issued under Section 13(2) of the SARFAESI Act.

On this short ground, the writ petition is dismissed.

Interim order dated 05.01.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

7th July, 2017
IBL

¹ (2013) 14 SCC 622

² (2014) 5 SCC 762