

THE HON'BLE SRI JUSTICE SANJAY KUMAR

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT PETITION NO.41321 OF 2017

ORDER: {Per the Hon'ble Sri Justice Sanjay Kumar}

The petitioner-company seeks consideration of its representation dated 31.10.2017.

Perusal of this representation reflects that it was submitted in response to the demand notice dated 07.08.2017 issued by the Andhra Bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("the SARFAESI Act").

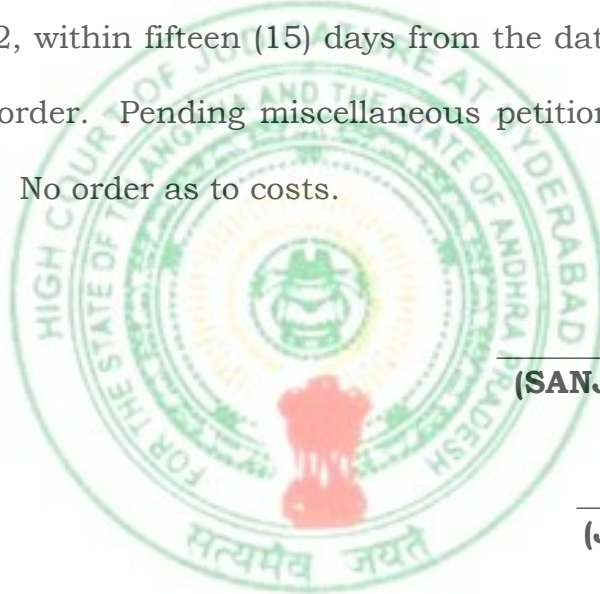
However, Sri V.S.R.Anjaneyulu, learned counsel for the petitioner-company, would state that this reference in the representation is erroneous as the said representation was made in response to the demand notice dated 23.08.2017 issued by the Andhra Bank subsequently under Section 13(2) of the SARFAESI Act.

Smt. V.Dyumani, learned Standing Counsel for the Andhra Bank, would fairly state that she is not in a position to inform this Court as to when the second demand notice dated 23.08.2017 was served upon the petitioner-company.

Giving the petitioner-company the benefit of doubt in this regard, we are of the opinion the representation dated 31.10.2017 submitted by it to the bank can be stated to be within 60 days of the receipt of the demand notice dated 23.08.2017. If that be so, the statutory scheme of the SARFAESI Act and the Security Interest (Enforcement) Rules, 2002 ("Rules of 2002"), framed

thereunder, mandates that the bank should consider such representation and pass appropriate orders thereon in terms of the time stipulations framed.

Keeping in mind the fact that there seems to have been some confusion with regard to issuance of two demand notices and the mistake committed by the petitioner-company in referring to the first demand notice in the reference portion of its representation, this Writ Petition is disposed of directing the Andhra Bank to consider the petitioner-company's representation dated 31.10.2017, in terms of the mandate of the SARFAESI Act and the Rules of 2002, within fifteen (15) days from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



(SANJAY KUMAR, J)

(J.UMA DEVI, J)

26th December 2017
RRB