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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 10637/2017 & C.M. No.43565/2017**  
**SH. GOPENDRA KUMAR JAIN**

..... Petitioner  
Through Mr.Randhir Jain and Mr. Bhoop  
Singh, Advs.

versus

**HDFC BANK AND ANR.**

..... Respondents  
Through Mr. Manubhav Anand, Adv for R-1.  
Mr. K.S. Parihar and Mr. H.S.  
Parihar, Advs for R-2.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**  
% **07.12.2017**

The petitioner is aggrieved by a notice dated 23.11.2017 issued to him under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the said Act). Submission is that the petitioner is only a guarantor; the provisions of Section 13 (3) of the said Act have not been complied with; inspite of his repeated requests asking the Bank to furnish him the papers for which the claim has been foisted upon him, he has received no response.

At the outset, learned counsel for the respondents submits that this petition is not maintainable; it is an abuse of the process of the Court as the petitioner has an alternate remedy by taking recourse to proceedings under Section 17 of the said Act and the appropriate

forum would be the Debt Recovery Tribunal (DRT).

This position has been brought to the notice of the learned counsel for the petitioner as this Court is also of the firm view that the present petition in the present form is not maintainable. Proceedings under Section 13 (4) have to be challenged under Section 17 of the said Act which forum would be the DRT. The detailed procedure has been contained in the aforementioned Section. Petitioner however presses for an order on merits. This Court has heard the petitioner for almost 15 minutes. This Court is of the considered view that the present petition is nothing but an abuse of the process of the Court. It is wastage of its precious time.

Dismissed with costs quantified at Rs.50,000/-.

**INDERMEET KAUR, J**

**DECEMBER 07, 2017**

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