

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

W R I T P E T I T I O N No.4523 OF 2018

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

The grievance of the petitioner is that the Indian Bank, Nellore, the respondent herein, failed to consider her representation submitted in response to the demand notice issued by it under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'). She seeks a declaration that the letter dated 03.02.2018 addressed to her by the bank, which was received on 10.02.2018, is illegal and contrary to the provisions of Section 13(3A) of the SARFAESI Act.

Sri Ambadipudi Satyanarayana, learned counsel for the respondent bank, would however inform this Court that after issuance of the letter dated 03.02.2018, the bank issued an additional communication, *vide* letter dated 19.02.2018, addressing all the aspects raised by the petitioner in her representation submitted in response to the demand notice. A copy of the said letter dated 19.02.2018 is placed on record.

Well settled is the legal position that a borrower would have no right to ventilate any grievance at the stage of consideration of his/her objections or representation submitted in response to the demand notice under Section 13(2) of SARFAESI Act. The borrower, if aggrieved by the manner in which his/her representation has been considered, would necessarily have to await the secured creditor initiating measures under Section 13(4) of the SARFAESI Act prior to raising a grievance before the appropriate forum.

As that stage is yet to arise in the present case, we are of the opinion that this writ petition does not merit entertainment and adjudication.

The writ petition is accordingly dismissed on this short ground leaving all issues open.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

D.V.S.S.SOMAYAJULU,J

Date: 06.03.2018
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