

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE P. KESHA RAO**

Writ Petition No.46381 of 2018

Between:

Smt. T. Sandhya Rani, W/o T. Koti Reddy,
Resident of Flat No.E2-104, Rajiv Aarambha
Township, Chandanagar, Ranga Reddy District

... Petitioner

And

The State Bank of India, Retail Assets Central
Processing Center, 7-3-2517/1 & 2, First Floor,
Jyothi Prime, Behind GVK One Mall, Hyderabad
and 3 others

... Respondents

Counsel for the Petitioner : Mr. JUMV Prasad

Counsel for Respondents : Mr. M. Srikanth Reddy

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ORDER: (*per V. Ramasubramanian, J*)

Contending that without considering their request for waiver of interest under a certain scheme, the bank has issued a demand notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the borrower has come up with the above writ petition.

2. Heard Mr. J.U.M.V. Prasad, learned counsel for the petitioner and Mr. M. Srikanth Reddy, learned standing counsel takes notice for the respondent-bank.

3. We have repeatedly been holding that there is no cause of action for any one to come up against a demand notice under Section 13 (2) of the Securitisation Act, 2002. The grievance of the petitioner is that under certain schemes extended for the benefit of those who have availed a housing loan, the petitioner is entitled to waiver of interest and that her repeated representations on this score have not been considered at all.

4. But that is a grievance, which the petitioner is always entitled to air in her reply to the demand notice. If the petitioner reduces the same into writing in the form of a reply to the impugned demand notice, the respondent should always consider the same and pass appropriate orders under Section 13 (3A) of the

Securitisation Act, 2002, only then the petitioner will know where she stands.

Therefore, the writ petition is disposed of directing the petitioner to give a reply to the impugned demand notice, within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the respondent may pass orders under Section 13 (3A) of the Securitisation Act, 2002. Further proceedings will follow depending upon the order passed under Section 13 (3A) of the Securitisation Act, 2002.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



V. RAMASUBRAMANIAN, J

P. KESHA RAO, J

Date: 20-12-2018

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