

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

WRIT PETITION No.45057 OF 2017

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

Though the matter appears under the caption 'For Dismissal' owing to lack of representation for the petitioners and their learned counsel on 13.03.2018 when this matter was taken up for admission, a request is made once again for an adjournment on the ground that the learned counsel on record for the petitioners met with an accident a week ago.

However, Sri Maruthi Jadhav, learned counsel representing Sri B.S.Prasad, learned counsel for the State Bank of India, would inform this Court that the cause in this writ petition does not survive for independent consideration as the proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'), based on the demand notice dated 04.05.2015 issued under Section 13(2) thereof were subjected to challenge but, in the meanwhile, the State Bank of India decided to initiate proceedings afresh and issued a fresh demand notice on 08.02.2018. A copy of the said demand notice issued under Section 13(2) of the SARFAESI Act is placed on record.

In the light of this development, the earlier proceedings initiated by the bank pursuant to the demand notice dated 04.05.2015 no longer survive and the writ petition is rendered infructuous by virtue of the later demand notice dated 08.02.2018.

The writ petition is accordingly dismissed.

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

No order as to costs.

SANJAY KUMAR,J

D.V.S.S.SOMAYAJULU,J

Date: 14.03.2018
IBL

