**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 16409 of 2018
Decided on : 08.10.2018

Deepak Bhatnagar ...... Petitioner

Versus

State Bank of India and others ...... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Anil Shukla, Advocate
for the petitioner.

Mr. Mahender Kumar Sharma, Advocate
for respondent No.1.

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**AVNEESH JHINGAN, J.**

The present writ petition has been filed seeking quashing of notice dated 23.03.2018 (Annexure P-2) issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act') and notice dated 28.05.2018 (Annexure P-4) issued under Section 13(4) of the Act. Further, a prayer has been made for quashing of order dated 13.06.2018 (Annexure P-7).

2. The petitioner is the borrower of home loan. State Bank of India (formerly State Bank of Patiala), Sector-11 Branch, Faridabad; the Authorised Officer, State Bank of India, Sector-16, Faridabad; Debt Recovery Tribunal-II, Chandigarh and District Magistrate, Faridabad, have been arrayed as respondents No.1 to 4 respectively in the present writ petition.

3. The petitioner was sanctioned a loan of ₹ 9 lakhs on

22.02.2003. The loan was to be repaid in 180 equal monthly installments of ₹9450/-each. In order to secure the credit facility, the property at Faridabad was mortgaged. The petitioner was paying monthly installments and on 06.09.2017, the petitioner wrote a letter to the bank for supplying of account statement. The bank informed that ₹ 3.69 lakhs is due from the petitioner.

4. The respondent-bank issued notice dated 23.03.2018 under Section 13(2) of the Act. As per notice, there was an outstanding liability of ₹2,41,728/-. Thereafter, a notice under Section 13(4) of the Act was issued on 28.05.2018. Aggrieved of the recovery proceedings, the present writ petition has been filed.

5. Learned counsel for the petitioner contended that all the monthly installments have been paid by the petitioner and there is no pending installment.

6. Learned counsel for the respondent-bank filed the account statement. As per the said statement, four monthly installments, amounting to ₹ 37,800 and difference of amount of interest of ₹2,04,562/- is payable by the petitioner.

7. Learned counsel for the petitioner restricted his contention that the petitioner would approach the respondent-bank with a comprehensive representation and the bank be directed to decide the same in a time bound manner.

8. Learned counsel for the bank submitted that the bank is ready to settle the account provided a reasonable offer is made by the petitioner.

9. Without expressing any opinion on the merits of the case, the writ petition is disposed of with the following directions:-

1) The petitioner shall approach the bank with detailed and comprehensive representation within 15 days from today;

2) The respondent-bank shall decide the representation filed by the petitioner sympathetically in accordance with law, after affording an opportunity of hearing to the petitioner and by passing a speaking order.

3) The respondent-bank shall take a decision on the representation at the earliest but not later than one month from the date of filing of the representation.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

October 08, 2018
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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No