

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

**CWP No. 24020 of 2018
Decided on : 19.09.2018**

M/s Shiv Kirpa Pesticides through its Proprietors

... Petitioner(s)

Versus

State Bank of India

... Respondent(s)

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

PRESENT: Mr. A.P. Kaushal, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

Prayer made in this writ petition filed under Articles 226/227 of the Constitution of India, is for setting aside the notice dated 01.09.2017 (Annexure P-1), issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act') and possession notice dated 04.09.2018 (Annexure P-4) of the Act. A further prayer for permission to invoke the benefit of the OTS Scheme of 2018 has been made.

2. The petitioners have approached this Court without first approaching the respondent-Bank at the first instance for the relief as claimed in the present writ petition. Accordingly, a prayer was made by the learned counsel for the petitioners for withdrawal of the present writ petition with liberty to the petitioners to approach the respondent-Bank or avail alternative remedies as are available to them, in accordance with law.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner(s) to take recourse to the remedies as may be available to them, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

September 19, 2018

J.Ram

*Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No*