

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11642 OF 2019**

Sujata K. Sutar and anr	.. Petitioners
Versus	
The State of Maharashtra & ors	.. Respondents

...

Sanjeevani N. Pandhare for the petitioners.
Ms.Nisha Mehra, AGP for the State.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 11th NOVEMBER, 2019

P.C:-

1 Having heard learned counsel for the petitioners, we find no merit in the Writ Petition for the reason the petitioners are admittedly defaulters and the impugned order dated 4th October 2019 passed in S.A. No.69/2019 by the Debt Recovery Tribunal shows that the Bank issued the notice under sub-section (2) of Section 13 of SARFAESI Act on 1st November 2018 which was received by the petitioners on 16th November 2018.

2 The petitioners filed a response to the notice in relation thereto an order under Section 13(4) of SARFAESI Act

was passed on 3rd January 2019. It was sent to the petitioners by Registered Post A.D. The petitioners refused to take the same.

3 The impugned order records that the order passed by the learned District Magistrate under Section 14 of the SARFAESI Act, 2002, was accordingly justified.

4 Learned counsel for the petitioners keeps on harping that the petitioners have returned ₹ 22 lakhs. The Petition does not inform the date on which two loans in sum of ₹ 90 lakhs were given to the petitioners. But in the impugned order, there is some light inasmuch as in paragraph No.2 thereof it is recorded that loan in the sum of ₹ 60 lakhs was sanctioned on 5th January 2016 and in sum of ₹30 lakhs on 30th August 2016.

5 Notice under sub-section 2 of Section 13, as noted above, was issued on 1st November 2018 recalling the entire loan on account of the default committed.

6 Petition is accordingly dismissed.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE