IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11772 OF 2019

M/s. Chheda Enterprises
Through its Proprietor,
Mr. Vipul Liladhar Chheda ..Petitioner
Versus
Punjab National Bank,
Through its Authorised Officer
Mr. Sandeep Sankhla ..Respondent

Mr. Sujit S. Nikam i/by Barsha Parulekar, Advocate for the Petitioner.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 15th NOVEMBER, 2019

P.C.

1] The pleadings in the Writ Petition admit the fact that the Petitioner is the debtor of the Respondent – Bank. There are no pleadings in the Writ Petition as to what was the transaction pursuant whereto the Petitioner became a debtor of the Bank. Whether it was a loan ? Whether it was some credit facility which was in overdraft ? Nothing has been pleaded. In what manner the Petitioner questions right of the Bank to proceed against the secured asset has not been pleaded. It has not been pleaded as to why the Petitioner is not availing the remedy under Section 17 of the SARFAESI Act, 2002.

2] The Petition questions the notice issued by the Authorised

Officer of the Bank informing the Petitioner that possession of the secured asset would be taken over on 16.11.2019. As per the Petitioner possession of the secured asset can be taken over only as per Section 18 of the SARFAESI Act, 2002. A plea which is contrary to law inasmuch as under the Security Interest (Enforcement) Rules, 2002, the Bank through its Authorised Officer is entitled to take possession of the secured asset and sell them.

3] The Writ Petition is dismissed.

Balaji G. Panchal

Digitally signed by Balaji G. Panchal
Date: 2019.11.18 15:10:01 +0530

SMT. BHARATI DANGRE, J CHIEF JUSTICE