THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION NO.15252 OF 2019

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

> 'For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to issue Writ of Mandamus or any other appropriate Writ declaring that for deriving Jurisdiction to issue Notice under Section 13(2) of SARFAESI Act, 2002, it is necessary that a period 2 years 90 days is required to elapse for classifying the loan account of borrower as NPA within the scope and definition of Section 13(2) R/w Section 2(o)(b) R/w RBI Guide lines vide RBI Circular No.DBOD No.BP.BC.10/21.04. 048/2004-05 dated 17-04-2004 and further the Notice under Section 13(2) of SARFAESI Act, 2002, must disclose dates when the loan account of the borrower has become NPA, Sub-Standard Asset and Doubtful Asset to be a proper Notice under Section 13(2) of SARFAESI Act, 2002 and consequentially to set aside the notice Section 13(2) of SARFAESI Act, 2002 dated 07-08-2018 issued by the Respondent Bank by declaring the same as without jurisdiction, unenforceable in accordance with the scheme of SARFAESI Act and in violation of the principles of natural justice and pass such other order or orders as the court may deem fit and proper in the circumstances of the case.'

2. Smt.Ch.Vedavani, learned counsel for the petitioner, would rely upon certain norms in support of her contention that issuance of the demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, was invalid as the same was in violation of the prescribed period of two years ninety days which necessarily have to elapse for classifying a loan account as a Non-Performing Asset. However, we find that the norms sought to be relied upon are titled 'Prudential Norms on Income Recognition, Asset

Classification, Provisioning & Other Related Matters for Primary (Urban) Co-operative Banks'.

3. Significantly, the writ petition is filed against the State Bank of India, a bank which cannot be categorized, by any stretch of imagination, as a primary (urban) co-operative bank.

4. Though Smt.Ch.Vedavani, learned counsel, would seek an adjournment on the ground that similar guidelines have also been formulated for the State Bank of India, we are of the opinion that the casual and careless manner in which this writ petition has been filed by relying upon wholly inapplicable norms cannot be countenanced.

5. The writ petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from seeking redressal of his grievance by way of appropriate proceedings before the proper forum in accordance with law. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR,J

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P.KESHAVA RAO,J

Date:31.07.2019

GJ/PGS