

HONOURABLE SRI JUSTICE SANJAY KUMAR

AND

HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.22006 OF 2019

ORDER: (Per Honourable Sri Justice Sanjay Kumar)

The petitioner company seeks to assail the demand notice dated 10.05.2017 issued by the State Bank of India under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'). We may however note that the petitioner company already approached the Debts Recovery Tribunal - II, Hyderabad, by way of S.A. No.214 of 2019 under Section 17 of the SARFAESI Act assailing the possession notice dated 21.05.2019 issued by the bank under Section 13(4) of the Act.

2. Having taken recourse to the alternative remedy provided to it under the statute, it is not open to the petitioner to now approach this Court seeking to lay a challenge against the demand notice issued as long back as in May, 2017. If at all the petitioner company had any grievance with regard to the said demand notice, it was for it to take steps before the proper forum within time. The petitioner company cannot be permitted to pursue two parallel remedies simultaneously. The Writ Petition is accordingly dismissed on this short ground.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

K. LAKSHMAN, J

October 1, 2019.

PV / KTL

