

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

CWP-12-2019
Decided on : 08.01.2019

Vinay Kumar

..... Petitioner

Versus

State Bank of India

..... Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Rajat Garg, Advocate
for the petitioner.

Ajay Kumar Mittal, J.

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the demand notice (Annexure P-2) issued under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') by the respondent-Bank.

2. Learned counsel for the petitioner submitted that after issuance of notice under Section 13(4) of the Act, the petitioner filed a representation (Annexure P-11) to the respondent bank on 01.12.2018. However, the petitioner filed writ petition bearing CWP No.30956 of 2018 on 04.12.2018, which was dismissed as withdrawn on 06.12.2018 with liberty to avail the alternative remedies as it was filed without waiting for reasonable time for taking the action by the respondent-bank.

3. Mr. Saurabh Bhardwaj, Advocate has put in appearance on behalf of respondent-bank and pointed out that earlier the petitioner had filed CWP No.30404 of 2018 challenging the notice dated 19.11.2018

(Annexure P-4), which was dismissed as withdrawn on 30.11.2018 with liberty to avail the alternative remedies. It was submitted that there is no reference to the said writ petition and therefore, the petitioner has concealed material facts from this Court.

4. On a perusal of the writ petition, particularly in para 23 thereof where we find that there is no reference to CWP No.30404 of 2018 and therefore, there is concealment of facts. Para 23 of the writ petition reads as under:

“That the petitioner earlier approached this Hon'ble Court through CWP No.30956 of 2018, which was dismissed as withdrawn with liberty by this Hon'ble Court except this no such or similar petition has been filed by the petitioners in this Hon'ble Court or in the Hon'ble Supreme Court of India. Copy of such order is annexed herein as Annexure P-14.”

5. It is, thus, clear that the petitioner had earlier filed CWP No.30404 of 2018, which was dismissed as withdrawn on 30.11.2018 but this fact has been concealed from this Court. Accordingly, the present petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

08.01.2019
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No