

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

127

**CWP No.22364 of 2019
Date of Decision: 22.08.2019**

M/s Saini Durries and others

.....Petitioners

Versus

Syndicate Bank, Panipat and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Shubhankar Baweja, Advocate for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have challenged the notice issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short, “the Act”) on 05.07.2017.

In brief, it is submitted that the petitioners have availed two overdraft facilities in the years 2014 and 2015 of ₹ 12.50 lakhs and ₹ 17 lakhs, respectively. Their accounts were declared NPA in April, 2017 and September, 2017, respectively. Notice under Section 13(2) of the Act has been issued on 05.07.2017. So far no proceedings have been initiated against the petitioners as nothing has been pleaded in the petition. As per the scheme of Section 13 of the Act, if a notice is issued under Section 13(2), the borrower gets a right to file the objections if the account has been wrongly declared NPA by the Bank and the said objections are supposed to be decided by the Bank and conveyed to the borrower. Without availing the said remedy, the present petition has been filed.

We are of the considered opinion that the writ petition is premature. However, on the earnest request made by the counsel for the petitioners, he is being allowed to withdraw the writ petition with liberty to file objections under Section 13(3A) of the Act. Although the limitation to file the said objections has expired but we still permit them to file objections. In case the said objections are filed within a period of two weeks from the date of receipt of certified copy of this order, the same shall be considered and decided by the Bank within a period of two weeks by passing a speaking order which shall be conveyed to the petitioners.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

22.08.2019
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No