

07.
14.09.2020.
Ct. No. 12.
F.B/KB.

WPA 5698 of 2020
(WP 5698 (W) of 2020)
with
IA No. CAN 1 of 2020
(CAN 3603 of 2020)
with
IA No. CAN 2 of 2020
(CAN 4986 of 2020)

(VIA VIDEO CONFERENCE)

V. C. Raja Krishnan
-Vs.-
The Andaman and Nicobar State Co-operative Bank
Limited & Anr.

Mr. Promod Kumar Drolia,
Ms. Chandrima Ghosh
..... For the Petitioner.

Mr. K. V. Vishwanathan,
Mr. U. S. Menon,
Mr. Abhirup Chakraborty
..... For the Respondents.

The subject matter of challenge in this writ petition is the Notice dated May 29, 2020 issued by the respondent no. 2, being the authorised officer of the respondent no. 1 Co-operative Bank to the petitioner under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act, 2002).

It is no more *res integra* that State Co-operative Banks as well as the Central Co-operative Banks are the Banking Companies defined under Section 5(c) read with Section 56(a) of the Banking Regulation Act, 1949 and they have the power to take action against any security under the SARFAESI Act. In this regard ready reference may be made to the recent decision of the Supreme Court in the case of Pandurang Ganpati Chaugule Vs. Vishwasrao Patil Murgud Sahakari Bank Limited reported in 2020 SCC OnLine SC 431. Further, in view of the provisions contained in Section 13(3)(A) of the SARFAESI Act, the petitioner's remedy to challenge the impugned notice issued by the respondent no. 2 lies in approaching the concerned Debts Recovery Tribunal.

For the reasons aforesaid, the writ petition, WPA 5698 of 2020 stands dismissed, without any order as to costs.

All parties to act in terms of a server copy of this order downloaded from the official website of this Court.

(Ashis Kumar Chakraborty, J.)