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29.09.2020
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WPA 6521 of 2020
with
C.A.N. 1 of 2020
(Old No. C.A.N. 5231 of 2020)
(VIA VIDEO CONFERENCE)

Lama Resort Services Private Limited
Vs.
UCO Bank & Ors.

Mr. Rohit Agarwala
Mr. Srijib Chakraborty.
... for the petitioner.

CAN 1 of 2020 (Old No. CAN 5231 of 2020) is
disposed of by taking up the writ petition for consideration.

A notice under Section 13(2) of the Securitization
and Reconstruction of Financial Assets and Enforcement of
Security Interest Act, 2002 (SARFAESI Act, 2002) is under
challenge in the present writ petition.

Learned advocate for the petitioner submits that,
the impugned notice was issued in violations of various
guidelines of the Reserve Bank of India. He points out that
during the pendency of the writ petition, the bank agreed to
restructure the facilities.

None appears for the respondents.

As noted above, a notice under Section 13(2) of
the Act of 2002 is under challenge. Whether or not such

notice suffers from illegalities as contended on behalf of the petitioner, need not be entertained by a Writ Court as the petitioner has statutory alternative remedy available. Moreover, the parties are at liberty to settle the accounts if they are so advised. The Writ Court need not interfere for such purpose.

In such circumstances, I find no merit in the present writ petition.

W.P.A. 6521 of 2020 is disposed of without any order as to costs.

Petitioner undertakes to have the application and the writ petition stamped, punched, affirmed and filed immediately on resumption of the normal functioning of the Court.

(Debangsu Basak, J.)