Serial No. 274

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

OWP No. 779/2012 (O & M)

Rahul Bhardwaj …Petitioner(s)

Through:- None

v/s

Dy. Commissioner, Jammu and others ….Respondent(s)

Through:- None

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

01. The petitioner had approached this Court way back in the year 2012, praying for the following reliefs:

> "i. Certiorari quashing section 13 (2) of the Securitiation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in so far as the same applied to the State of J&K.
>
> ii. Mandamus commanding the Respondents to withdraw Notice dated 16.5.2012 to the petitioner by the Respondent N0.2 Bank with regard to so called taking ever the petitioner unit and
>
> iii. Certiorari quashing all actions taken pursuant to the notices issued by the Bank under Section 13(2) of the aforesaid Act."

02. The main issue sought to be raised is regarding jurisdiction of the authorities to invoke the provisions of the Securitiation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 (for short ' the 2002 Act') in the then State of Jammu and Kashmir. The issue stands settled by Hon'ble the Supreme Court in ***2016 (4) JKJ 32*** titled as ***State Bank of India vs Saroj Gupta & Another,*** wherein it has been held that the provisions of 2002 Act are applicable in Jammu and Kashmir.

03. Keeping in view the aforesaid enunciation of law by Hon'ble the Supreme Court, nothing survives in the present petition as far as invocation of provisions of the 2002 Act are concerned. The writ petition is accordingly, dismissed. The competent authority shall be entitled to proceed against the petitioner in accordance with law.

(RAJESH BINDAL)
JUDGE

Jammu
25.08.2020
Vijay

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.

VIJAY KUMAR
2020.09.08 14:42
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portions of this document