

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 709 of 2020**

1. Anil Yadav S/o Shri Tiharu Ram Yadav Aged About 43 Years R/o Anas Niwas, Near Bhatiya Garden City, Main Road Mopka, Bilaspur Chhattisgarh
2. Mrs. Parag Mishra W/o Mr. Anil Kumar Yagav Aged About 43 Years R/o Anas Niwas, Near Bhatiya Garden City, Main Road Mopka, Bilaspur Chhattisgarh

---- **Petitioner****Versus**

1. Bank Of Baroda Through- It's Chief Manager / Authorized Officer, Seepat Road Branch, Rajkishor Nagar, Bilaspur Chhattisgarh

--- **Respondent**

For Petitioner	: Shri Vaibhav A. Goverdhan Adv.
For Respondent	: Shri Ankit Singhal, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/02/2020**

1. The Challenge in the present writ petition is to the possession notice issued by the respondent-Bank under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. The limited ground of challenge is that the representation which the petitioners had made in pursuant to the notice u/s 13(2) of Act of 2002 has till date not been decided by the respondent and without deciding the said notification, the respondent could not have proceeded further initiating possession proceedings.
3. On the previous date of hearing, Shri Ankit Singhal, Counsel for the Bank had sought time for seeking instructions as to whether the representation has been decided or is pending consideration.

4. Today, Counsel for the Bank on instructions submits that the representation which the petitioners had filed on 09.12.2019 in respect of notice issued u/s 13(2) has till date not been decided.
5. In view of the fact that the representation of the petitioners is pending consideration, this Court is of the opinion that the decision of the respondent in issuance of possession notice is thus not sustainable at this juncture. Accordingly, in the light of the decision rendered by this High Court in the case of “**Anil Kumar Agrawal v. ICICI Bank and Anr.**” (AIR 2011 Chhattisgarh 1).
6. Given the said facts and circumstances of the case, let respondent take a decision on the representation filed by the petitioner and only thereafter should they proceed further in accordance with law.
7. With the aforesaid observations, the writ petition stands allowed and disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha