

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HON'BLE DR. JUSTICE VINEET KOTHARI
and
THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Contempt Petition No.2167 of 2019

Shanthi

.. Petitioner

..Vs..

R.R.Amitabh
Authorised Officer and Branch Head
Punjab National Bank, Asset Recovery
Management Branch, No.448-A,
Dr.Nanjappa Road, Coimbatore.

.. Respondent

Prayer : Contempt Petition under Section 11 of Contempt of Courts Act to punish the respondent for willful and deliberate disobedience of the order of this Court dated 17.09.2019 made in W.P.No.27544 of 2019.

For Petitioner : Mr.K.Balakrishnan

O R D E R

(Order of the Court was made by DR.VINEET KOTHARI, J.)

Learned counsel for the petitioner Mr.K.Balakrishnan submitted that in the order dated 17.09.2019 disposing of W.P.No.27544 of 2019 filed by the petitioner **(Shanthi -Vs- Punjab National Bank and Others)**, this Court had directed as under:-

"4. Having heard the learned counsel for the petitioner, we are of the opinion that the petitioner has an equally adequate and effective remedy to approach the Debts

<https://hcservices.ecourts.gov.in/hcservices/> Recovery Tribunal under Section 17 of the SARFAESI Act

against the said E-auction sale notice as well as the measures taken under Section 13(4) of the Act.

5. In view of the above, this Court is not inclined to entertain the writ petition. As far as the representation of the petitioner is concerned, the petitioner is free to pursue the same before the first respondent Bank and if the first respondent is having the benefit of the said representation, the first respondent Bank is expected to consider the same in accordance with law."

2. Learned counsel for the petitioner submitted that even though the Court had expressed the expectation from the respondent bank to consider the representation of the petitioner in accordance with law, but the respondent bank, without disposing of the representation of the petitioner, which was filed even prior to the dismissal of the Writ Petition by this Court on 17.09.2019, has proceeded to issue another notice on 07.11.2019 under Section 13(2) of the SARFAESI Act, and therefore, they have committed an act of Contempt of the order of this Court and hence the present Contempt Petition is filed.

3. Having heard the submissions made by the learned counsel for the petitioner, we are satisfied that no contempt is made out in the present facts and circumstances of the case, as the Court had only expressed the hope that the respondent Bank will consider the representation of the petitioner in accordance with law. Neither any time frame was fixed for the same nor any specific direction is given

for allowing the petitioner to avail the alternative remedy before the Debts Recovery Tribunal under Section 17 of the Act.

4. Under these circumstances, merely by issuing a notice under Section 13(2) of the Act dated 07.11.2019, the authorities of the respondent Bank cannot be said to have committed any contempt. The Contempt Petition is misconceived and it is liable to be dismissed and is accordingly dismissed. A copy of the order may be sent to the respondent.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

kst

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/13/02/2020

TO

Authorised Officer and Branch Head
Punjab National Bank, Asset Recovery
Management Branch, No.448-A,
Dr.Nanjappa Road, Coimbatore.