

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3539 of 2021

1. Mahamayi Stone Crusher, Through- The Proprietor, Anurag Mishra, Aged About 38 Years S/o Satish Mishra,
2. Mura Stone Crusher Through- The Proprietor, Satish Mishra Aged About 75 Years, S/o Late Chandrika Pd. Mishra,
3. Mahamayi Traders, Through- The Proprietor, Swarnalata Mishra, Aged About 64 Years, W/o Satish Mishra,

All the petitioners are R/o Civil Lines, Raipur, District- Raipur Chhattisgarh

---- Petitioners

Versus

1. Hinduja Leyland Finance Limited Through- The Authorized Officer, Corporate Officer- 27 A, Developed Industrial Estate Guindy, Chennai- 600032
2. Branch Manager, Hinduja Leyland Finance Limited, Ground Floor, Pujari Park, Tikrapara District Raipur (Chhattisgarh)

---- Respondents

For Petitioners : Shri Faiz Kazi, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09/09/2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner have been served with a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act, 2002'), thereafter the petitioner has submitted representation/objection which is not being considered inasmuch as reply/representation was filed way back on 20/07/2021, 15 days have already passed, therefore as per mandate of section 13(3A) of the SARFAESI Act, 2002 the respondents are duty bound to follow the statutory mandate and directly cannot jump to take a recourse under Section 13(4) of the SARFAESI Act, 2002.
2. Considering the submission made, the documents shows that the petitioner was served with a notice under Section 13(2) of the SARFAESI Act, 2002 on

18/06/2021 against which he filed an application under Section 13(3A) of the SARFAESI Act, 2002 by Annexure P-3 dated 20/07/2021. Considering the scheme of section 13(3A) of the SARFAESI Act, 2002 if the measure under Section 13(4) of the SARFAESI Act, 2002 has not been taken till date, the respondents shall consider the representation of the petitioner filed under Section 13(3A) of the SARFAESI Act, 2002 before any measures are taken under Section 13(4) of the SARFAESI Act, 2002.

3. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge