



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM :

THE HON'BLE MR.M.DURAI SWAMY, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24788 of 2021

S.Vijayalakshmi

...Petitioner

Vs

The Authorised Officer
PNB Housing Finance Ltd
3rd Floor, Sudharshan Building
14, Whites Road, Royapettah
Chennai - 600 014.

...Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the order dated 29.10.2021 passed in S.A.No.141 of 2020 by the Debts Recovery Tribunal-II, Chennai and quash the same.

For the Petitioner : Mr.Anil Relwani

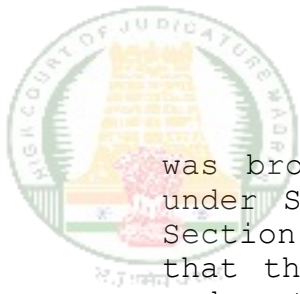
ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Challenging the order passed in S.A.No.141 of 2020 on the file of the Debts Recovery Tribunal-II, Chennai, the borrower has filed the above writ petition.

2. The petitioner filed S.A.No.141 of 2020 challenging the auction sale held on 24.2.2020 pursuant to the sale notice dated 5.2.2020. The petitioner availed loan of Rs.2,77,30,950/- from the respondent bank and committed default in repaying the same. In view of the default committed by the borrower, the petitioner's account was declared as a non-performing asset (NPA) and the respondent issued a demand notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and also a subsequent possession notice under Section 13(4) of the Act. Thereafter, the sale notice was issued on 5.2.2020 and the secured asset was brought to sale.

3. The petitioner filed a Securitisation Application before the Debts Recovery Tribunal contending that the secured asset



was brought to sale without the issuance of the demand notice under Section 13(2) of the Act and the possession notice under Section 13(4) of the Act. Further, the petitioner contended that the respondent failed to follow the procedure contemplated under the Security Interest (Enforcement) Rules, 2002 before bringing the secured asset for sale.

4. Before the Tribunal, the respondent bank established that they have issued the demand notice under Section 13(2) and also the possession notice under Section 13(4) of the Act. With regard to the sale notice, the respondent bank established that the sale notice has been effected as per the provisions of the Act and the Rules framed thereunder. Having satisfied with the procedure followed by the respondent bank in bringing the secured asset for sale, the Tribunal rejected the case of the petitioner.

5. In view of the averments made in paragraph 6 of the affidavit filed in support of the writ petition that there is no Chairperson in the Debt Recovery Appellate Tribunal, the writ petition has been entertained by this court.

6. The contention of learned counsel for the petitioner that the sale notice did not contain the schedule of property cannot be accepted for the reason that the e-auction sale notice produced by him is incomplete. That apart, in the event any intending purchaser evinced interest to bid for the property, he could have obtained the schedule of property online from the website of the respondent bank. In the incomplete sale notice produced by the petitioner, it has been stated that the secured asset situated at Plot No.22, 3rd Main Road, IPS Colony, Manapakkam, Chennai-600125, will be sold in e-auction on 24.2.2020. The party who is intending to purchase the property would not participate in the e-auction without getting the details of the secured asset.

7. In these circumstances, we do not find any error or irregularity in the e-auction conducted by the respondent bank. The Tribunal has considered all these aspects and rejected the case of the petitioner.

The writ petition is devoid of merits and the same is dismissed. No costs. Consequently, W.M.P.Nos.26069, 26071 and 26073 of 2021 are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sasi



To:

The Authorised Officer
PNB Housing Finance Ltd
3rd Floor, Sudharshan Building
14, Whites Road, Royapettah
Chennai - 600 014.

Copy To

The Registrar,
Debts Recovery Tribunal II,
Chennai.

+1cc to Mr.Anil Relwani, Advocate, S.R.No.59597

W.P.No.24788 of 2021

MG(CO)
RVM(23/11/2021)