IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.12866 of 2021

Date of Decision:-16.07.2021

Jeewan Kumar.

......Petitioner.

Versus

Authorized Officer, Dewan Housing Finance Corporation Ltd. & Anr.

......Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Karan Garg, Advocate for the Petitioners.

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JASWANT SINGH, J.(ORAL)

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Petitioner-borrower was granted a housing loan amounting to Rs.39,88,621/- by Dewan Housing Finance Corporation Ltd., (a non banking financial institution) in September 2016, to be repaid in 15 years i.e. 180 monthly installments of Rs.50,336/- each. The loan account was declared as NPA on 10.12.2020 due to default in three monthly installments. The respondent-Bank issued a notice dated 29.04.2021 (**P-8**) under Section 13(2) of the SARFAESI Act seeking to recall the outstanding loan of Rs.42,34,469/- due as on 31.03.2021. The petitioner is stated to have replied vide memo dated 6.5.2021 (**P-9**).

The present petition has been filed challenging a memo dated 14.6.2021 (**P-10**) issued by the bank, which appears to be a totally non statutory notice and certainly not a communication under Sub Section 3A of Section 13 of the SARFAESI Act.

In view of the aforesaid counsel for the petitioner prays for permmission to withdraw the present writ petition as pre-mature, and to pursue his remedy before the bank.

Dismissed as premature.

It is hoped that the respondent-DHFL (being administered by an Administrator) strictly follows the provisions of Sub Section 3A of Section 13 of the SARFAESI Act as soon as possible.

(JASWANT SINGH)
JUDGE

(SANT PARAKSH)
JUDGE

July 16, 2021
Vinay

Whether speaking/reasoned	***Yes/No***
Whether Reportable	***Yes/No***