

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-06.08.2021

CWP No.14841/2021(O&M)

M/s Gobind Ram Deepak Kumar & Anr.

.....Petitioners.

Versus

The Ferozepur Central Co-operative Bank & Anr.

.....Respondents.

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

Present:- Mr. Prateek Pandit, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

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

Petitioner no.1 is the sole proprietorship concern of Deepak Sachdeva , Petitioner No.2 engaged in the business of Karyana, which had availed the facility of CC Limit to the tune of Rs.6 lacs on 05.03.2011 from The Ferozepur Central Co-operative Bank. Due to non servicing of the account, the same was declared as NPA and thereafter a notice dated 28.05.2021 under Section 13(2) of the SARFAESI Act, 2002 (**P-2**) was issued. The petitioner is stated to have filed a reply (**P-3**) to the Notice dated 28.05.2021 (**P-2**). Present petition has been filed laying challenge to a Notice dated 28.07.2021 (**P-4**) purportedly issued under Section 13(4) of the SARFAESI Act 2002 assuming physical possession.

At the time of hearing, learned Counsel for the petitioner has

realized that Annexure P-4 though is not the subject recited as notice under Section 13(4), however, the text of the same reveals that it is only a non statutory notice warning the petitioner/defaulters of taking possession in future. Thus it is evident that as of now no cause of action has accrued to the petitioner.

At this stage counsel for the petitioner prays for permission to withdraw the petition being premature.

Dismissed as withdrawn being premature.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

August 06, 2021
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>