

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 99 OF 2022

Club 29 Private Limited	}	Petitioner
Versus		
Indian Bank and Anr.	}	Respondents

Mr. Anil V. Anturkar-Senior Advocate i/b. Mr. Sandeep S. Salunkhe for the petitioner.

Mr. V. N. Ajikumar for respondent no. 1.

Mrs. Nisha Mehra, AGP for State.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : JANUARY 13, 2022

P.C.:

1. The petitioner is aggrieved because the secured creditor, without disposing of its objection/representation under section 13(3-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short), has proceeded to issue possession notice dated November 25, 2021 under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

2. According to Mr. Anturkar, learned senior counsel for the petitioner, such an action of the secured creditor is in the teeth of the provisions contained in section 13 of the SARFAESI Act and should be invalidated.

3. Mr. Ajikumar, learned advocate representing the secured creditor, however, submits that the possession notice dated November 25, 2021 has been withdrawn and that the secured creditor proposes to proceed against the petitioner afresh in accordance with law.

4. The submission made by Mr. Ajikumar is accepted. In such view of the matter, nothing survives for decision on this writ petition. We grant liberty to the secured creditor to proceed in accordance with law.

5. If any further action is taken by the secured creditor and the same adversely affects the interest of the petitioner, it would also be at liberty to explore its remedy in accordance with law.

6. The writ petition stands disposed of keeping all contentions open. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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