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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 11.04.2022*

\+ **W.P.(C) 5697/2022 & CM APPL. 16976/2022**

NAVEEN KUMAR AND ANR. ..... Petitioners
Through: Mr Sidharth Chopra and Mr Navneet, Advocates.

Versus

CANARA BANK ..... Respondent
Through: Ms Anju Jain, Mr Hitesh Sachar and Ms Prachi Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MS. JUSTICE POONAM A. BAMBA

[Physical court hearing/ hybrid hearing (as per request)]

RAJIV SHAKDHER, J. (Oral):

1. On the previous date i.e., 05.04.2022, after hearing the counsel for the petitioners, the following had been recorded:

> "*2. This writ petition, inter alia, is directed against the order dated 01.04.2022, passed by the Debt Recovery Tribunal-I, Delhi [in short, 'DRT'] in SA No. 144/2022.*
> *3. A perusal of the impugned order dated 01.04.2022 shows that a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [in short, 'SARFAESI Act'] dated 06.04.2021, has been served on the petitioners by the respondent-bank.*
> *3.1. This fact is not disputed by Mr Kirti Uppal, who appears on behalf of the petitioners.*

3.2. Mr Uppal says that objections were preferred by the petitioners to the above-mentioned notice. In this behalf, our attention has been drawn by Mr Uppal to Annexure P-10, appended on page 77 of the case file.
3.3. The document appended to Annexure P-10 is a communication dated 24.05.2021. Facially, this communication has been addressed to the MD and CEO, Canara Bank Ltd. However, the said communication does not, specifically, advert to the Section 13(2) notice issued by the respondent/bank, referred hereinabove.
3.4. According to Mr Uppal, there has been no disposal of the objections preferred by the respondent, as required under Section 13(3A) of the SARFAESI Act.
4. Issue notice to the respondent-bank, via all permissible modes, including e-mail.
5. List the matter on 11.04.2022.”

2. Mr Hitesh Sachar has entered appearance on behalf of the respondent/bank.

2.1. Mr Sachar says that the communication dated 24.05.2021 is not a representation or objection, which addresses the aspects alluded to in the Section 13(2) notice dated 06.04.2022 issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [in short, ‘SARFAESI Act’], by the respondent/bank.

3. Notwithstanding the aforesaid contention, Mr Sachar says the respondent/bank will consider the communication dated 24.05.2021.

3.1. Mr Sidharth Chopra, who appears on behalf of the petitioners, says that if such a direction is issued, the petitioners will be satisfied, and will not take the objection that because the respondent/bank is now considering the representation/ objection under Section 13(3A) of the SARFAESI Act, the notice dated 06.04.2022 issued under Section 13(2) of the SARFAESI Act would fall by the wayside.

4. Thus, the writ petition is disposed of, based on the statement made by Mr Sachar on behalf of the respondent/bank that they will deal with the communication dated 24.05.2021, as if it was a representation/objection preferred under Section 13(3A) of the SARFAESI Act.

4.1. In case the result of such consideration is not favourable to the cause of the petitioners, the petitioners will have liberty to take recourse to an appropriate remedy, albeit as per law.

5. Needless to add, till the respondent/bank conveys its decision *vis-à-vis* the communication dated 24.05.2021, no precipitate steps will be taken by the respondent-bank against the petitioners.

6. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

POONAM A. BAMBA, J

APRIL 11, 2022/rb

Click here to check corrigendum, if any