

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17582 of 2021

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1. Smt. Ruby Parmar Wife of Shambhu Kumar Singh Resident of Biihari Bigha near Middle School Pandarak, Police Station-Pandarak, District-Patna.
 2. Shambhu Kumar Singh Son of Shiv Raj Singh Resident of Biihari Bigha near Middle School Pandarak, Police Station-Pandarak, District-Patna.

... .. Petitioner/s

Versus

1. The State Bank of India Stress Assets Management Branch, 5th Floor Administrative Office Building, J.C. Road, Gandhi Maidan Patna-800001 through its Authorized Officer
2. Authorized Officer, The State Bank of India, Stress Assets Management Branch, 5th Floor Administrative Office Building, J.C. Road, Gandhi-Maidan, Patna-800001
3. Authorized Officer, Asset Reconstruction Company India Ltd., the Ruby 10th Floor, 29 Senapati Bapat Marg Dadar (West) Mumbai-40028.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar, Adv. With Mr. Binod Kumar Sinha, Adv.
For Respondent No.3	:	Mr. Dhananjay Kashyap, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

12 13-03-2023

1. Heard the parties.

2. The petitioners by way of this writ petition assails the notice issued to him under Section 13(2) of the SARFAESI Act, 2002 by the authorized Officer A.R.C.I.L.

3. In terms of the **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002** (hereinafter referred as the SARFAESI Act, 2002), notice issued under Section 13 (2) can be challenged by making a representation under section 13 (3-A) of the Act of 2002.



Upon making such a representation, it is binding upon the concerned authority to take a decision on such a representation.

4. In the present case, admittedly the petitioners have already submitted a representation in terms of Section 13 (3-A) of the Act, 2002 and the same is still not decided.

5. Keeping in view above provisions, the respondents are directed to take a decision on the representation and pass a speaking order and would consider all the aspects which may have been taken up by the petitioners. The petitioners, if still aggrieved, can always take up the matter before the concerned D.R.T.

6. It is informed that the representation has been filed after the filing of this writ petition. However, that could not in any manner curtail the authority to decide the same. It is expected that the decision shall be taken preferably within a period of three months henceforth.

7. With the aforesaid observation, the writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-
Item No. 29

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