

WRIT PETITION NO. 15961 OF 2022

Club 29 Private Limited ... Petitioner

Indian Bank,
Pune Cantonment Branch & Ors. ... Respondents

WITH

Jayant Vallabhdas Kaneria & Ors. ... Applicants

Club 29 Private Limited & Ors ... Respondents

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Ms. Shruti D Vyas, 'B' Panel Counsel for the State.

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**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 4 JANUARY 2023

P.C.:

Interim Application (St.) No. 377 of 2023 filed by the proposed Intervenor is not on board. On mentioning, taken on board.

2. This petition is filed on the premise that there is no adjudication or decision on the representation made by the Petitioner under section 13 (3A) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 and direction is sought that Respondent No.1- Bank should decide the representation dated 5 August 2021.

3. Respondent No.1- Bank had earlier issued a notice under section 13 (4) of the Act of 2002 and the Petitioner had filed a writ petition bearing no. 99 of 2022, which was disposed of as Respondent No.1- Bank had withdrawn the notice under section 13 (4) of the Act of 2002.

4. The learned Counsel for Respondent No.1- Bank states that reply is given by Respondent No.1- Bank and representation of the Petitioner dated 5 August 2021 is decided.

5. The learned Senior Advocate for the Petitioner has sought to question the reply of Respondent No.1- Bank stating that it does not provide adequate reason. Be that as it may, since the step under section 13 (2) of the Act of 2002 is now over and a fresh notice under section 13 (4) of the Act of 2002 has been issued, and symbolic possession is stated to have been taken as contended by Respondent No.1-Bank, and considering that the Act of 2002 is a complete code, we are not inclined to proceed further in the writ jurisdiction.

6. An intervention has been sought on behalf of the shareholders of the Petitioner company stating that representation was not made by the company.
7. Considering the fact that an action has been taken by Respondent No.1- Bank under section 13 (4) of the Act of 2002 and the remedy of any person aggrieved by such action is to approach the Debt Recovery Tribunal, keeping all the contentions of the parties open, we dispose of the petition.
8. The writ petition is accordingly disposed of.
9. In view of disposal of the writ petition, nothing survives in the interim application and the same is accordingly disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)