



WEB COPY



W.P.No.31406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31406 of 2023

C.R.K.Selvakumar

.. Petitioner

VS

1.The Presiding Officer,
Hon''ble Debts Recovery Tribunal III Chennai,
Additional Office Buildings,
7th Floor,
Shastri Bhavan, Egmore,
Chennai-600 008.

2.The Authorised Officer,
UCO Bank,
Asset Management Branch,
328, Thambu Chetty Street,
4th Floor, Chennai-600 001.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare that in the case of simultaneous proceedings, the maximum amount that can be recovered is the amount of debt due and already payable as per the Section 13(2)



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demand notice issued for the first time or determined in the OA 582 of 2015 whichever is less as per the SARFAESI Act.

For the Petitioner : Ms.V.Archana

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

The writ petition is filed seeking declaration that in the case of simultaneous proceedings, the maximum amount that can be recovered is the amount claimed in the notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the "*Act of 2002*").

2. We have heard Ms.V.Archana, learned counsel for the petitioner.

3. It appears that proceedings are filed by the bank for recovery under the provisions of the Recovery of Debt due to Banks and Financial Institutions Act, 1993 and the Original Application is pending



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before the Debts Recovery Tribunal. Notice under Section 13(2) of the Act of 2002 is also issued. The petitioner has right to raise an objection to the notice issued under Section 13(2) as contemplated under Section 13(3A) of the Act of 2002. Moreover, the petitioner can raise all the grievances in appropriate proceedings before the Debts Recovery Tribunal. In that event, all contentions are kept open.

4. The writ petition, accordingly, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

02.11.2023

Index : Yes/No

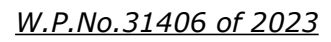
Neutral Citation : Yes/No

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To

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