

CWP-609-2022 (O&M)

Date of Decision: November 24, 2023

PURSHOTTAM DASS AND ANOTHER

..... Petitioners

Versus

UJJIVAN SMALL FINANCE BANK AND OTHERS

.... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sahil Khunger, Advocate for
Mr. Pankaj Bali, Advocate for the petitioners.

Mr. C.S. Pasricha, Advocate for the respondent - Bank.

LISA GILL, J.

1. Prayer in this writ petition is for quashing notice dated 02.07.2021 (Annexure P2) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) and notice dated 13.12.2021 (Annexure P4) under Section 13(4) of SARFAESI Act.

2. Learned counsel for respondent – Bank submits that notice(s) dated 02.07.2021 and 13.12.2021 under Sections 13(2) and 13(4) of SARFAESI Act respectively, which are under challenge in this writ petition had been withdrawn. Respondent – Bank, it is submitted, would initiate proceedings afresh under SARFAESI Act against petitioners.

3. Learned counsel for petitioners does not deny that in view of withdrawal of impugned notice(s), this writ petition is rendered infructuous.

4. Writ petition is, accordingly, disposed of as infructuous. Needless to say, respondents are at liberty to initiate proceedings afresh against petitioners in accordance with law. Petitioners are also at liberty to avail statutory remedy(ies) available to them in accordance with law to challenge the same, if so aggrieved.

5. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

November 24, 2023

Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No