

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP-25154-2022
Decided on :24.04.2023

Amolak Rai and another

.....Petitioner(s)

Versus

ICICI Home Finance Co. Ltd. and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Lupil Gupta, Advocate for the petitioner (s).

Mr. Vijiyesh Malhotra, Advocate for the respondent-Bank.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the notices dated 25.07.2022 issued under Section 13 (2) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act') (Annexures P-3 & P-4).

2. A perusal of paper-book would go on to show that the notices dated 25.07.2022 (Annexure P-3) had been issued for a sum of Rs.26,85,226.87 by respondent Nos.3 & 4. Similarly another notice Annexure P-4 was issued demanding Rs.12,24,219.16 for the other account.

3. Though counsel for the petitioner submits that payments have been made and the loan was originally taken from respondent No.1-Bank, but there is no proof of any deposits made regularly for the loans which were taken.

4. Even otherwise we are of the considered opinion that the present writ petition is premature in as much as after issuance of notice under Section 13 (2) of the 2002 Act which has been assigned to respondents No.3 & 4 by respondent Nos.1 & 2-Bank, the petitioner was required to reply to the said notices under Section 13 (3A) of the 2002 Act. Counsel for the petitioner submits that objection was filed on 03.10.2022 (Annexure P-5). However, no formal recourse to Section 13 (4) of the 2002 Act has been initiated.

4. Resultantly, we are of the considered opinion that the present writ petition is premature and same is accordingly dismissed. Liberty is given to the petitioner to initiate appropriate proceedings when the cause of action accrues.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

24.04.2023
Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No