

CWP-27687-2023
Date of Decision: December 15, 2023

M/S BHARTI PUBLIC SCHOOL AND OTHERS Petitioners

Versus

VARTHANA FINANCE PVT. LTD. AND ANOTHER..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Arihant Jain, Advocate for the petitioners.

Mr. Nitin Thatai, Advocate for respondent No. 1

LISA GILL, J.

1. Prayer in this writ petition is for quashing notice dated 21.10.2022 (Annexure P3) under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) and order dated 13.10.2023 (Annexure P6) under Section 14 of SARFAESI Act passed by District Magistrate, Palwal. Relief claimed in this writ petition is qua ‘Varthana Finance Private Limited’, which is admittedly a private Non-banking Financial Institution.

2. Learned counsel for petitioners is unable to deny that in view of judgments of Hon’ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110; M/s South Indian bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR**

(Civil) 771 as well as **Phoenix ARC Private Limited versus Vishwa Bharti Vidya Mandir and others, 2022 (1) RCR (Civil) 888**, present writ petition is not entertainable.

3. Keeping in view the facts and circumstances as above, this writ petition is disposed of with liberty to petitioners to avail statutory remedy/remedies available to them in accordance with law.

(LISA GILL)
JUDGE

December 15, 2023
rts

(SUMEET GOEL)
JUDGE

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