IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-13370-CWP-2025 in/and CWP-24289-2025

Date of decision : 11.09.2025

Anil Jotshi

…….Petitioner

Versus

Bank of India

...….Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Rakesh Bhatia, Advocate,
for the petitioner.

Mr. Sanjot Singh Thind, Advocate,
for the respondent – Bank.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-13370-CWP-2025

Annexure P-8, filed by the petitioner, is taken on record.

Accordingly, **CM-13370-CWP-2025** is allowed.

CWP-242899-2025

1. This petition has been filed by one of the partners of MSME (borrower) assailing the notice dated 16.04.2025 (Annexure P-5) issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "SARFAESI Act").

2. It is submitted that despite having filed representation dated 06.06.2025 (Annexure P-6) under Section 13 (3A) of SARFAESI Act, *inter alia*, revealing that the borrower firm being MSME is entitled to certain

statutory protections under the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 and the RBI guidelines, the respondent Bank did not take any step.

3. When the case was taken up today, learned counsel for the petitioner informed that the impugned notice dated 16.04.2025 has since been withdrawn and fresh notice dated 04.09.2025 (Annexure P-8) has been issued by the respondent Bank, asking the petitioner to submit reply under Section 13 (3A) of SARFAESI Act, within sixty (60) days of its issuance.

4. In view of above, it would be appropriate that this petition is not kept pending and is disposed of with direction that in case, petitioner files reply/representation under Section 13 (3A) of SARFAESI Act, then the respondent Bank shall consider the same in its true perspective and also from the point of view of benefits flowing under the MSMED Act, 2006 as well as the RBI guidelines dated 01.07.2015 and 17.03.2016 and any other relevant guidelines on the subject.

5. With the aforesaid observations, petition stands disposed of with liberty to petitioner to avail all the statutory remedies available under SARFAESI Act, in case any adverse view is taken by the respondent Bank.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

September 11, 2025
narotam

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