IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 31370 OF 2025 (GM-DRT)

BETWEEN:

1. M/S CARREG COMMODITIES
   PRIVATE LIMITED
   REPRESENTED BY
   MANAGING DIRECTOR
   JACINTHA PRASAD PANNIKAR,
   W/O PRASAD PANNIKKAR,
   AGED ABOUT 56 YEARS,
   DOOR NO. 3-26/3, NH 66,
   NEAR PUMP WELL CIRCLE,
   KANKANDY, MANGALORE,
   DAKSHINA KANNADA-575 002

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Location: HIGH COURT OF KARNATAKA

2. MR.SANJED ALOYSIUS PAIS
   PROPRIETOR
   RESIDING AT NO.03
   W-5-505, I EMPRESS,
   KADARI TEMPLE
   NEW DODDA KADARI
   MANGALORE
   DAKSHINA KANNADA-575 004

...PETITIONERS

(BY SRI. DILRAJ JUDE ROHIT SEQUEIRA, ADVOCATE)

AND:

1. AXIS BANK LIMITED
   REPRESENTED BY
   AUTHORISED OFFICER
   MR.VERGHESE JACOB
   POLT NO.41, SESHADRI ROAD,
   ANAND RAO CRICLE,
   BANGALURU,
   KARNATAKA-560 009
   REGISTERED OFFICE-TRISHUL
   3RD FLOOR
   OPP. SAMARTH ESWAR TEMPLE
   NEAR LAW GARDEN,
   ELLIS'S BRIDGE
   AHMEDABAD-380 006

…RESPONDENT

(BY SRI. SURESH V., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE IMPUGNED ISSUED BY THE RESPONDENT UNDER SECTION 13(2) OF THE SARFESI ACT DATED: 29.06.2021 OF THE SECURITIZATIONS AND RECONSTRUCTIONS OF FINANCE AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 (SARFASI ACT 2002) PRODUCED AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

> ***"WHEREFORE, the petitioner pray that this Honourable Court may kindly be pleased to:-***
>
> ***i. To a writ of certiorari or any direction or order setting aside the impugned issued by the respondent under Section 13(2) of the SARFAESI Act dated 29.06.2021 of the Securitizations and Reconstructions of Finance and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002), produced at Annexure-A.***
>
> ***ii. Grant any other relief/reliefs as this Honourable court deems fit and proper under the facts and circumstances of this case, in the interest of justice and equity."***

2. This writ petition is filed on 13.10.2025. On 31.01.2026, when this matter was listed before this Court, there was no representation on behalf of the petitioner. Hence, the matter was directed to be listed today under the caption for "dismissal".

3. Today, also there is no representation on behalf of the petitioner. The petitioner is questioning a notice that was issued under Section 13(2) of SARFAESI Act. When a notice is issued under Section 13(2) of SARFAESI Act, the remedy that is available to the petitioner is to give a reply to the same.

Without giving a reply to the notice, he cannot come before this Court. That apart the petitioner has an effective alternative remedy, he has to avail the appropriate remedy before the DRT. Even on that count also this Court cannot pass any order. Having filed the writ petition on 13.10.2025, even till today the petitioner has not pursued the matter in spite of the fact that the matter is posted for "dismissal" giving an opportunity to the petitioner.

4. Accordingly, the writ petition is ***dismissed for non prosecution***.

SD/-
(LALITHA KANNEGANTI)
JUDGE

BN
List No.: 1 Sl No.: 5