

(2021) 04 UK CK 0043

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 299 Of 2020

Manoj Saxena & Another

APPELLANT

Vs

Bank Of Baroda & Another

RESPONDENT

Date of Decision : 12-04-2021

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 13(3A), 14(1)

Citation : (2021) 04 UK CK 0043

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Atul Kuman Bansal, Siddhartha Sah, Mamta Bisht

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioners stood as guarantors in respect of a loan taken by M/s Khushi Sales, which is a proprietorship firm. Proprietor of the said firm has passed away in 2017. Petitioners are aggrieved by a notice issued to them on 21.11.2019, by District Magistrate, Champawat, under Section 14(1) of SARFAESI Act, 2002.
2. In this writ petition, petitioners have raised various issues, including the question of limitation, fraud by the bank manager etc.
3. Learned counsel for the petitioners submits that, the reply submitted by petitioners, under Section 13(3A) of the Act, has not been considered and the reasons, if any, for not accepting their reply, have not been communicated to them.
4. Be that as it may, the fact remains that as of now, only a notice has been issued to the petitioners asking them to appear before District Magistrate on the date fixed. No order prejudicial to the interest of the petitioners has been passed as yet.

5. Petitioners are always at liberty to have their say by submitting a written reply to the impugned notice. Learned counsel appearing for the petitioners, points out that, such reply has already been submitted.

6. In such view of the matter, writ petition is disposed of by directing the District Magistrate to consider petitioners' reply and take appropriate decision by passing an order, in accordance with law, within three months from the date of production of certified copy of this order. It is further provided that petitioners shall be given personal hearing before passing any order.

7. Let a certified copy of this order be issued within 24 hours.