
(2021) 05 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 301 Of 2020

M/s Shagun Saree & Others

APPELLANT

Vs

Bank of Baroda & Another

RESPONDENT

Date of Decision : 13-05-2021

Acts Referred:

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

Citation : (2021) 05 UK CK 0032

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Atul Kumar Bansal, Siddhartha Sah, Mamta Bisht, Pradeep Hairiya

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner no.1 is a proprietorship firm which took a loan from respondent no.1 Bank in the year 2015. Petitioner no. 2 Manoj Saxena is proprietor of

the said firm. Petitioner nos.2 and 3 stood as guarantors in the said loan. They 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's 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 today itself.