

(2018) 06 JH CK 0017

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3478, 3505, 3513 of 2008

Nandjee Pandey

APPELLANT

Vs

Dhanbad Central Co-operative Bank Ltd

RESPONDENT

Date of Decision : 14-06-2018

Acts Referred:

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 — Section 13(2), 13(13)

Citation : (2018) 06 JH CK 0017

Hon'ble Judges : SHREE CHANDRASHEKHAR, J

Bench : Single Bench

Advocate : Rajesh Kumar, Manindra Kumar Sinha, Krishna Murari

Final Decision : Dismissed

Judgement

1. These three writ petitions arise out of proceeding under the Securitization and Reconstruction of Financial Assets and Enforcement of Security

Interest Act, 2002 where in the notice issued under Section 13(2) read with Section 13(13) of the Securitization and Reconstruction of Financial

Assets and Enforcement of Security Interest Act, 2002 has been challenged and a further prayer has been made for quashing all further proceedings

which the respondent has initiated after service of notice under Section 13(2) read with Section 13(13) of the Securitization and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002.

2. A counter-affidavit has been filed by the respondents wherein it has been mentioned as follows:

That it is stated that the writ petition besides being further premature in view of no coercive order being passed till date U/s- 13(4) of Act; the

same is even otherwise not maintainable in view of Statutory Alternative Remedy

U/s- 17(1) of the NPA Act, which is always available to the petitioner if any consequential order is passed by the bank after proper receipt of the reply in pursuance of section 13(2) Notice, which has not yet been received.â??

3. In view of the stand taken by the respondents, these writ petitions are not maintainable and are accordingly dismissed. However, it will be open to the petitioners to take recourse to law in terms of the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

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