

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 278 of 2013 (M/S)

Lord Budha Health and Education
Welfare Society

... Petitioner

Vs.

The Canara Bank

... Respondent

Present : Mr. Ganesh Kandpal, Advocate for the petitioner.

Mr. Ashish Joshi, Advocate for the respondent.

Hon'ble Sudhanshu Dhulia, J. (oral)

1. The petitioner had admittedly taken a loan from Canara Bank which has not been repaid and consequently the recovery proceedings have been initiated by the bank under Section 13 of the Securitisation and Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (from hereinafter referred to as the Act) and a notice has been given to the petitioner under Section 13(2) of the Act. According to the petitioner, consequent to the said notice he has moved a representation under Section 13 (3A) of the Act on which no orders have been passed. Provision of Section 13 (3A) requires that once a notice is given under Section 13 (2) of the Act, if the borrower gives a representation to the bank or the financial institution, the same shall be considered and if the bank comes to the conclusion that such representation of objection is not acceptable or tenable, it shall communicate within one week of the receipt of such representation the reasons for

non-acceptance of the representation or objection of the borrower.

2. Counsel for the respondent bank Mr. Ashish Joshi has given a statement before the Court that he has instructions from the bank that the representation of the petitioner has not been decided as yet and he submits that the same shall be decided as expeditiously as possible but preferably within a period of three weeks from today.

3. In view of the above, writ petition is disposed of with the direction to the respondent bank to dispose of the representation of the petitioner as expeditiously as possible but definitely within a period of three weeks from today. It is made clear that till such a representation is disposed of no coercive measure shall be taken against the petitioner.

4. No order as to costs.

(Sudhanshu Dhulia, J.)

20.2.2013