



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/3497/2018</u> Baldev Kaushik --Petitioner Versus State Cooperative Bank Ltd. Haldwani Through Its Authorized Officer and another --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> No representation for the parties. 2. By means of this writ petition, petitioner has sought the following reliefs: “(i) Issue a writ, order or direction in the nature of mandamus directing the respondents to comply with the statutory requirement of 60 days notice under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. (ii) issue a writ, order or direction in the nature of certiorari to quash letter dated 16-10-2018 passed by respondent no. 1.” 3. A counter affidavit has been filed on behalf of the respondents. Para 4 and 8 of the counter affidavit are extracted below: “4- That in reply to the contents of para no.2 of the writ petition it is stated here that the when the amount of the installment was not deposited by the petitioner the respondent bank issued an notice under section 13 (2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 dated 3/8/2018 through registered post which was returned by the petitioner, this facts is proved by the envelops which was returned wherein an endorsement has been made by the post man that the petitioner has refused to accept the envelope meaning thereby the mandatory notice has been served upon the petitioner by the respondents. A copy of the envelop is annexed herewith as Annexure no 1 to this counter affidavit. It is further stated here that thereafter



			the respondent bank again issued a notice dated 16/10/2018 under section 13 (4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 through registered post on the same address which was received by the petitioner, therefore the provision of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 has been fully complied with by the respondents. 8-That the contents of para no.8 of the writ petition are the matter of record hence needs no comments. However it is stated here that after receiving the letter dated 23/5/2018 the petitioner again moved an letter dated 12/6/2018 asking for further time to deposit the loan amount up to 31/7/2018 and the answering respondent after receiving the aforesaid letter again granted sufficient time to deposit the loan amount but the petitioner did not deposit the single panny till today. A true / type copy copy of the letter dated 12-6-2018 is being filed as Annexure-3 to the affidavit.” 4. In view of the specific stand taken in the counter affidavit, reliefs as prayed by petitioner, cannot be granted. 5. The writ petition is, accordingly, dismissed. (Manoj Kumar Tiwari, J.) 29.07.2026 Mahinder
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