

## Nirmala Devi Vs State Of Uttarakhand & Others

**Court:** Uttarakhand High Court

**Date of Decision:** Feb. 4, 2025

**Acts Referred:** Securitization And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002  
â€” Section 13(2), 13(4), 14, 17

**Hon'ble Judges:** Pankaj Purohit, J

**Bench:** Single Bench

**Advocate:** Amanjot Singh Chadha, C.S. Rawat, Pradeep Hairiya

**Final Decision:** Dismissed

### Judgement

Pankaj Purohit, J

1. By means of the present writ petition, the petitioner has challenged the notice dated 24.01.2025, issued by the District Magistrate, Udham Singh

Nagar (Annexure No. 1 to the writ petition) as well as the orders under Sections 13(2), 13(4) and 14 of the Securitization and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act").

2. From the perusal of the writ petition, it transpires that the petitioner was issued two loans by respondent no. 2 - Axis Bank consolidated of Rs.

26,05,000/- in the year 2018 -19. The property mentioned in Paragraph No. 3 of the writ petition was mortgaged as secured asset to the said loan by

the petitioner. When the petitioner failed to re-pay the loan amount, the bank account of the petitioner was declared as Non - Performing Asset

(NPA), and the proceedings for recovery of the aforesaid amount has been issued under the SARFAESI Act, 2002.

3. It is contended by learned counsel for the petitioner that the petitioner is a widow and due to the demise of her husband during COVID-19, she

failed to deposit the installments timely, which resulted into her account being declared as NPA. It is further contended by learned counsel for the

petitioner that the demand notice issued under Section 13(2) of the SARFAESI Act, 2002 was never served upon the petitioner, however, the said

notice was issued on 20.04.2021, and the petitioner was also not provided hearing under Section 14 of the SARFAESI Act.

4. In view of the aforesaid contentions, he submits that proper opportunity of hearing was not given to the petitioner. It is also contended by learned

counsel for the petitioner that the fundamental right of the petitioner has been breached by the respondent - authorities.

5. Having heard learned counsel for the parties, and having per used the record of the writ petition, this Court is of the view that the matter does not

require any interference by this Court, as the remedy against the impugned order (s) lies before the Debts Recovery Tribunal under the provisions of

Section 17 of the SARFAESI Act. She may raise all the grounds canvassed before this Court, before the Debts Recovery Tribunal.

6. In this view of the matter, the writ petition is dismissed in limine.

7. Pending application, if any, also stands disposed of.