

**WRIT PETITION NO: 7115 of 2025**

M/s. Sai Agri Corporation

...Petitioner

Vs.

Union of India and others

...Respondents

Advocate for Petitioner : Mr. Seshadri Goalla

Advocate for Respondents : GP for Agriculture

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO****DATE : 20th March 2025****P C :**

Learned counsel for the petitioner challenges the notice, dated 04.02.2025, issued under Section 13(2) of the SARFAESI Act, 2002, primarily on the ground that an earlier Section 13(2) notice and the auction notice issued by the Bank had since been challenged by the petitioner in S.A.No.102 of 2022. It is stated that unless and until the previous notice issued under Section 13(2) was withdrawn, the second notice under Section 13(2) would not have been issued at all.

2. On a perusal of the scheme of the Act, 2002, shows that, whenever a notice under Section 13(2) is issued, a borrower or the guarantor is entitled to submit objections to the same, which are required to be

considered by the Bank or Financial Institution under Section 13(3A) of the Act, 2002.

3. In the present case, the petitioner has not admittedly filed objections and has rushed this Court to file present petition. It would be too presumptuous on the part of learned counsel for the petitioner to believe that the objections if at all filed would not be considered in its correct perspective and a speaking order would not be passed.

4. Be that as it may, we dispose of this writ petition by giving liberty to the petitioner to file its objections to the Section 13(2) notice, which has been issued, which should be considered by the Bank in its correct perspective and a reasoned order passed. No costs.

Consequently, connected miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R RAGHUNANDAN RAO, J

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**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R.RAGHUNANDAN RAO**

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Dt: 20.03.2025

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