

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9018 of 2025**

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KAILASHBEN SHAILESHBHAI SOLANKI & ANR.

Versus

INDIAN BANK (ALLAHABAD BANK)

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Appearance:

MR MASOOM K SHAH(6516) for the Petitioner(s) No. 1,2

NEHA M SHAH(9218) for the Petitioner(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 25/07/2025****ORAL ORDER**

1. Heard learned advocate Mr.Masoom Shah for the petitioners.

2. At the outset, learned advocate for the petitioners has pointed out that pursuant to the notice under Section 13(2) of the SARFAESI Act, reply has been filed by the petitioners under Section 13(3A) of the Act. Instead of considering the said reply, straightway, proceedings under Section 13(4) and 14 of the Act are instituted. According to learned advocate Mr.Shah, the said action of not deciding the reply under Section 13(3A) is not tenable in eye of law more particularly in view of decision of the Apex Court in the case of **ITC Ltd. v. Blue Coast Hotels Limited [(2018) 15 SCC 99]**.

3. Considering the aforesaid submission, on this limited aspect of not deciding the reply and/or objections under Section 13(3A) of the Act, issue Notice, returnable on 01st August, 2025. To be listed on top of the Board.

4. In the meantime, there shall be *status quo* with respect to the property in question.

Direct service is permitted.

(NIRAL R. MEHTA, J)

ANUP