

**Kotak Mahindra Bank Ltd. Vs. M/s Putul Enterprises
& Ors.**

O.A.No. 717/2023

26.07.2023 Ld. Counsel Shri Ritesh Goel is present on behalf of applicant bank.

It is the fresh O.A. filed on behalf of the applicant bank.

The applicant bank has filed this Original Application u/s 19 of Recovery of Debts Due to Banks & Bankruptcy Act, 1993 for recovery and in support of its claim and relief sought the bank has filed Affidavit. The Affidavit so filed is being treated as evidence on behalf of the applicant bank. However, the applicant bank will be at liberty to file further evidence, if need be.

Let notice be issued to the defendants with following directions:-

- (i) To show cause within 30 days of the service of summons as to why relief prayed for should not be granted.
- (ii) With direction to the defendants to disclose particulars of properties or assets other than properties and assets specified by the applicant bank under serial No. 3A of the O.A.
- (iii) With further direction to the defendants to restrain from dealing with or disposing of secured assets or such other assets and properties disclosed under Sl. No. 3A of the O.A. pending hearing and disposal of the application for attachment of properties with further direction not to transfer by way of sale, lease or otherwise except in the ordinary course of his business any of the assets over which security interest is created and/or other assets and properties specified or disclosed under Sl. No.3A of the O.A. without the prior approval of this Tribunal.
- (iv) With direction to account for the sale proceeds realized by sale of secured assets or other assets and properties in the ordinary course of business and deposit such sale proceeds in the loan account maintained with the bank or FI holding security interest over such assets.
- (v) Further direction to the defendants to appear on the date mentioned in the notice along with written statement, failing which the application shall be heard and decided in favour of bank.

Applicant bank is directed to take steps of notices along with copy of O.A. and documents through registered dak / speed post and / or through Dasti Service and e-mail in accordance with rules and procedure.

Let Affidavit of service alongwith requisite proof be filed by the applicant bank with the Registry at least one week prior to next date of hearing.

Post the matter on 13.09.2023 for filing service report by the bank, written statement by the defendants before the Registrar and on 26.09.2023 before the court for further orders.


**(A.H. Khan)
Presiding Officer**