

IN THE DEBTS RECOVERY TRIBUNAL –1 AT HYDERABAD

DATED THIS THE 9<sup>TH</sup> DAY OF JUNE, 2025

PRESENT: SRI GUMMADI GOPICHAND, PRESIDING OFFICER

SA.No.230/2023

Mrs.SangatiSwaroop  
W/o late SangatiBhaskar  
Aged 45 years, Occ:household,  
R/o H.No.2-1-903, Nalmnagar,  
Vidyaranyapuri, Hanamkonda,  
Warangal-506009.

... Applicant

*Versus*

Edelweiss Assets Reconstruction Company Ltd.,  
Rep. by its Authorized officer  
Edelweiss House, Off CST Road,  
Kalina, Mumbai-400 098.

... Respondent

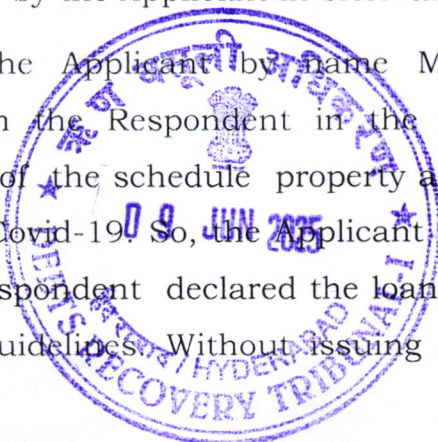
*Counsel for the Applicant*  
*Counsel for Respondent*

: Sri D.Raghavulu  
: Sri G.Prabhakar Sharma

ORDER

1. This Application is filed u/s.17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act,2002) challenging the Possession Notice dt.22.05.2023 issued by the Respondent in respect of the schedule property and to declare the same as illegal and arbitrary.
2. The averments made by the Applicant in brief are as follows:

The husband of the Applicant by name Mr.SangatiBhaskar availed housing loan from the Respondent in the year 2017 and created mortgage in respect of the schedule property and thereafter he died on 01.06.2021 due to Covid-19. So, the Applicant could not repay the loan amount and the Respondent declared the loan account as NPA without following the RBI guidelines. Without issuing any demand notice and

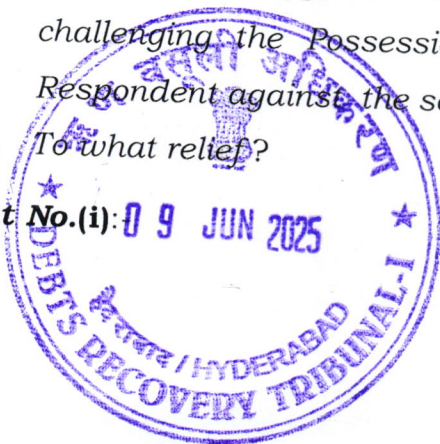


possession notice under the provisions of SARFAESI Act, 2002, the Respondent is trying to take physical possession of the schedule property. When the Applicant approached the Respondent, they have given copy of the possession notice on 20.06.2023 and the said possession notice was not published in two daily newspapers and also not affixed on the schedule property. Hence the SA.

3. The Respondent filed their Reply denying all the adverse allegations made in the SA and contended that the Applicant and her husband availed mortgage loan from the Respondent against the security of the schedule property. Thereafter, the Applicant and her husband committed default in repaying the loan dues and so, the loan account was classified as NPA and a demand notice dt.22.11.2022 u/s 13(2) of the SARFAESI Act, 2002 was issued to the Applicant but the said notice was returned unserved so, the said demand notice was published in Business Standard and Nava Telangana daily newspapers and the said notice was also affixed at the address of the Applicant. Thereafter, the Respondent issued possession notice dt.22.05.2023 u/s 13(4) of the Act, 2002 and the said notice was sent to the Applicant through Regd.Post. The said possession notice was affixed on the schedule property and it was also published in two daily newspapers and thus there are no violations. Accordingly, Respondent Bank prayed to dismiss the SA.
4. Heard Ld. Counsel for the Applicant and Ld. Counsel for the Respondent and perused the material brought on record.
5. Now the points that arise for consideration are

- i. whether the Applicant has established any valid grounds for challenging the Possession Notice dt.22.05.2023 issued by the Respondent against the schedule property?
- ii. To what relief?

**Point No.(i):** 09 JUN 2025





6. During the course of arguments, Ld. Counsel for the Applicant and Ld. Counsel for the Respondent reiterated their respective versions as stated supra.
7. There is no dispute regarding the fact that the Applicant and her husband availed housing loan from the Respondent and created mortgage in respect of the schedule property to secure the said loan. Thereafter, the husband of the Applicant by name S.Bhaskar died and the Applicant committed default in repaying the loan dues and so, the loan account was classified as NPA.
8. The specific contention of the Applicant is that the Respondent without issuing any demand notice and possession notice, trying to dispossess the Applicant from the schedule property.
9. Per contra, Respondent contended that they have duly followed the procedure laid down under the provisions of SARFAESI Act, 2002 and Rules made thereunder in issuing demand notice and possession notice to the Applicant.
10. In order to substantiate their contention, the Respondent filed relevant material documents along with the Reply filed by them. As per the said documents, it is clear that after classifying the loan account as NPA, the Respondent issued demand notice dt.22.11.2022 u/s 13(2) of the SARFAESI Act, 2002 and sent the said notice to the Applicant through Regd. Post. As the said notice was returned unserved, the Respondent published the said demand notice in Business Standard and Nava Telangana daily newspapers as evidenced by the copies of paper publication filed by the Respondent and the said notice was also affixed at the address of the Applicant as depicted in the copies of photographs filed by the Respondent. Thus, there is valid service of demand notice on the Applicant. Thereafter, the Respondent issued Possession notice dt.22.05.2023 and the said notice was sent to the Applicant through Regd. post as evidenced by the postal receipts filed by the Respondent. The said possession notice was published in two daily newspapers as evidenced by the copies of paper publication filed by the Respondent and

the said notice was also affixed on the schedule property as depicted in the photographs filed by the Respondent. Thus, the Respondent has scrupulously followed Rule 8(1)&(2) of Security Interest (Enforcement) Rules, 2002 in issuing possession notice to the Applicant.

11. Hence in the circumstances, it is quite clear that the Respondent has scrupulously followed the procedure laid down under the provisions of SARFAESI Act, 2002 and Rules made thereunder in issuing demand notice and possession notice to the Applicant and there are no violations. Accordingly, this point is answered in favour of the Respondent and against the Applicant.

**Point No.(ii):-**

12. In the result, SA 230/2023 is dismissed as there are no merits. Consequently, the Interlocutory Applications, pending if any, shall stand disposed of. No order as to costs.
13. Communicate a copy of this order to the parties concerned.

*(Dictated to the P.S, transcribed by her, corrected, signed and pronounced by me in the open court on this the 9<sup>th</sup> day of June, 2025).*

**Sd/-**  
**(G. GOPI CHAND)**  
**PRESIDING OFFICER**



**TRUE COPY**  
*(Signature)*  
**Asst. Registrar**  
**DRT-I, HYDERABAD.**