

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, Section 13(3A) – Reply to notice by an Advocate on behalf of the Authorised officer – It cannot be said that when advocate sent rejoinder/notice on behalf of the *authorised officer*, he acted with different capacity than the *authorised officer* enjoyed – The reverse is also not a correct logic – The *authorised officer*, by sending notice/rejoinder through an advocate engaged to act on his behalf cannot be said to have in any way abdicated his functions under the SERFAESI Act – Nor it can be said that *authorised officer* did not apply his mind or that the reply sent was not the reply of the *authorised officer* – The answer given by the advocate acting on instructions and on behalf of the *authorised officer* was on the same pedestal in eye of law as that of given by the *authorised officer* himself – When an advocate acts by virtue of his being advocate in that capacity on behalf of the party-client, it is not the party who steps into shoe of advocate but it is otherwise and the advocate acts on behalf of his client. Notice given by the advocate on behalf of the *authorised officer* is therefore as good as one given by the *authorised officer* himself – Safaesi S. 13(3-A) .

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