

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

WRIT PETITION No.6122 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed with the prayer, which reads as under:

“... to issue an appropriate writ or order or direction preferably one in the nature of Writ of Mandamus, declaring that the orders passed by the Hon'ble Debts Recovery Tribunal, Hyderabad, in IA.No.5177/2014, dated: 05.01.2015 which was confirmed by its orders dated: 09.02.2015 in IA.No.396/2015 in IA.No.5177/2014 in SA.No.834/2014 is illegal, arbitrary and against the provisions of law and equity and pass such other order or orders as this Hon'ble Court may be deem fit and proper in the interest of justice.”

Petitioners are guarantors for the credit facility availed by

M/s. B.C.C. Infracon Private Limited, a Company registered under the Companies Act, 1956, engaged in the business of infrastructure activities, from the 1st respondent - State Bank of India, SME Branch, Saifabad. As the said Infracon Private Limited defaulted in repaying the amounts, the 1st respondent - Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and issued Possession

Notice, dated 25.11.2014, under Section 13 (4) of the Act. Questioning the same, petitioners have filed S.A.No.834 of 2014 before the Debts Recovery Tribunal, Hyderabad. In the said S.A., petitioners have filed I.A.No.5177 of 2014 seeking stay of all further proceedings pursuant to the Possession Notice, dated 25.11.2014. The Tribunal by order, dated 05.01.2015, directed the 1st respondent – Bank to defer all further proceedings pursuant to the Possession Notice on condition of petitioners depositing 20% of the amount claimed by the 1st respondent – Bank in Possession Notice, dated 25.11.2014, within eight weeks from the date of such order. Questioning the same, petitioners filed I.A.No.396 of 2015 in I.A.No.5177 of 2014 and the Tribunal by order, dated 09.02.2015, dismissed I.A.No.396 of 2015. As the condition imposed in the order, dated 05.01.2015, is not complied with, the 1st respondent – Bank is taking further steps. Questioning the orders of the Tribunal, this Writ Petition is filed.

During pendency of the Writ Petition, from time to time, petitioners have deposited certain amounts. By order, dated 06.04.2015, this Court, while recording a finding that the petitioners have already deposited an amount of Rs.50,00,000/- with the 1st respondent – Bank, permitted the petitioners to deposit balance amount of Rs.1,21,44,253/- within three months, as per the undertaking given by them. Thereafter, the petitioners

have deposited certain amounts, but not within time and this Court, at the request of the petitioners, has extended the time granted for depositing the amounts.

Learned counsel for the 1st respondent – Bank acknowledged the payments made by the petitioners.

Today, when the matter is called, it is submitted by the learned counsel for petitioners that the balance amount payable is Rs.46,00,000/- (Rupees forty six lakhs) and the Writ Petition be disposed of by granting time up to 30.09.2015 to pay the balance amount along with accrued interest.

In view of such request made by the learned counsel for petitioners and as the petitioners have already made substantial payments, we deem it appropriate to dispose of the Writ Petition by permitting the petitioners to pay the balance amount along with interest, if any, on or before 30.09.2015. It is made clear that if the balance amount is not deposited within the time stipulated above, it is open to the 1st respondent – bank to take further steps in accordance with law.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

September 08, 2015

MD