

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

WRIT PETITION No.28496 OF 2015

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

This Writ Petition is filed seeking to direct the 1st respondent to dispose of I.A.I.R.Nos.3169, 3170, 3171 and 3172 of 2015 in O.A.No.698 of 2013 pending before the Debts Recovery Tribunal, Hyderabad.

It is the case of the petitioners that during pendency of Company Petition No.97 of 2013 before this Court, there was settlement of account, as per which, they have agreed to pay the entire amount due in 12 installments, and based on such settlement, the Company Petition was closed by order, dated 02.09.2014, and they have already paid about Rs.7,00,00,000/- in five installments.

In this Writ Petition, it is submitted by the learned counsel for petitioners that one of the petitioners intended to mortgage one of the mortgaged properties, so as to raise funds to be infused as equity into the 2nd petitioner - Company, but they could not do so in view of the injunction orders passed in O.A.No.698 of 2013 and hence, seeking leave to dispose of the properties and for other reliefs, they filed the aforesaid interlocutory applications, but as there is no regular Presiding Officer for the Debts Recovery Tribunal, Hyderabad, they have approached this Court by filing the present Writ Petition.

On the other hand, it is submitted by the learned counsel for the 2nd respondent – Bank that the Chairman of the Debts Recovery Tribunal, Kolkata, is in-charge of the Debts Recovery Tribunal, Hyderabad and he is conducting the proceedings at Hyderabad from 07.09.2015 to 11.09.2015. It is further submitted that if the petitioners are ready to argue the said interlocutory applications, Bank will also file counter and argue the matter without seeking adjournments.

As much as I.A.I.R.Nos.3169, 3170, 3171 and 3172 of 2015 are pending before the 1st respondent and as it is stated that the Chairman of the Debts Recovery Tribunal, Kolkata, is conducting the proceedings at Hyderabad from 07.09.2015 to 11.09.2015, we deem it appropriate to dispose of the Writ Petition by directing the 1st respondent to dispose of the said I.As. in the ensuing session commencing from 07.09.2015 to 11.09.2015, and by placing on record the submission made by the learned counsel for the 2nd respondent – Bank that the Bank will file counter and argue the matter without seeking adjournments.

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 04, 2015

Note: Issue C.C. by 05.09.2015.
B/o.MD