

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

* * * *

WRIT PETITION No.23848 of 2015

Between: —

Gollapalli V.V.S.N.Murthy and another

.. Petitioners

And

The State Bank of India
Rep. by its Branch Manager, Tanuku Branch,
West Godavari District,
and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 13-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

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

WRIT PETITION No.23848 of 2015

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

In this writ petition, the petitioners have questioned the notice dated 22.05.2015 issued under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and also the notice dated 23.07.2015 issued under Rule 8 (1) of the Security Interest (Enforcement) Rules, 2002 framed under the Act.

The petitioners have availed housing term loans through two accounts bearing Nos. 10677032507 & 31888715598 and when they defaulted in repaying the same, the respondents have initiated proceedings under the Act and issued the impugned demand notice dated 22.05.2015, demanding an amount of Rs.7,30,730/-, which was due as on 19.05.2015, and possession notice dated 23.07.2015 was also issued.

It is the case of the petitioners that though they paid certain instalment amounts, due to reasons beyond their control, they could not pay the remaining instalments, as such, their loan accounts were declared as NPA and the entire amount is being demanded without conducting proper enquiry and without affording them an opportunity.

When the matter is called for hearing, learned counsel for the petitioners submitted that the petitioners are ready to pay the remaining instalments, including the incidental charges incurred by the respondents to regularize the accounts.

Learned counsel appearing for the respondents submits that for regularizing the accounts of the petitioners, the petitioners have to pay an amount of Rs.2,25,946/-, which was due as on 31.07.2015, and subsequent interest. He also submitted that if the petitioners are ready to pay such amount, the respondents will consider their request to regularize their accounts.

Having regard to the request made by learned counsel for the petitioners, we deem it appropriate to dispose of the writ petition permitting the petitioners to pay Rs.2,25,946/-, which was due as on 31.07.2015, and subsequent interest within a period of four weeks from today. On such payment, the respondents shall consider the request of the petitioners to regularize their accounts and take appropriate steps. It is made clear that if such amount is not paid within the time

referred to above, it is open to the respondents to take further steps under the provisions of the Act and the Rules made thereunder.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

13.08.2015

v v