

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

WRIT PETITION No.37898 of 2015

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

In this writ petition, the petitioner has questioned the e-auction sale notice, dated 16.10.2015, issued by the respondent – Bank, in respect of the house building with a plinth area of 1848 sq. feet, consisting of ground and first floors, on Plot No. SRT No.171, MCH.No.1-1-379/93/B, admeasuring 142 sq. yards, situated at Jawaharnagar, Chikkadapalli, Hyderabad, in exercise of powers under the provisions of the SARFAESI Act.

Questioning the said notice, the petitioner has carried the matter by way of application in S.A.No.481 of 2015 before the Debts Recovery Tribunal, Hyderabad. By order, dated 13.11.2015, the Tribunal passed the following order:

“1) The Respondent Bank is directed to go ahead with the sale as proposed, but the sale shall not be confirmed provided the Applicant deposit Rs.10 lac before 11.00 A.M on 20.11.15 and another Rs.10 lac by 05.12.15.

2) In the event of failure on the part of the Applicant for making payment as stated above, the Bank shall confirm the sale.

3) The Bank is directed to file reply statement with a copy to the Ld. Advocate for the Applicant within three weeks.”

It is represented that the petitioner has not deposited any amount as

permitted by the Tribunal.

When the matter has come up on earlier occasion, this Court, while adjourning the matter to 01.12.2015, permitted the petitioner to pay an amount of Rs.10.00 lakhs before 30.11.2015. It is stated that even such amount is also not deposited by the petitioner. As the petitioner has not complied with the condition imposed by the Tribunal, we do not find any merit in this writ petition. Further it is brought to our notice by learned counsel for the respondent Bank that sale is not confirmed in favour of the third party – auction purchaser. In that view of the matter and in view of the pendency of S.A.No.481 of 2015 before the Tribunal, the petitioner to pursue before the Tribunal for disposal of S.A.No.481 of 2015 by impleading the auction purchaser.

Subject to the above, 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

02.12.2015

v v

