HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

W.P.No.22005 of 2016

ORDER: (per Hon'ble Justice Sanjay Kumar)

Challenge in this Writ Petition is to the sale notice dated 06.06.2016 issued by the respondent bank proposing to hold the sale of the secured assets belonging to the petitioners on 08.07.2016. Though Sri Sujith Jaiswal, learned counsel for the petitioners, would contend that the bank has not intimated the correct outstanding dues, Smt. V.Dyumani, learned counsel for the respondent bank, would point out that under letter dated 27.06.2016, the outstanding overdues as on that date were intimated to the petitioners. That apart, she would state that the bank is no longer desirous of merely regularizing the loan account of the petitioners and wants to liquidate the financial asset.

In that view of the matter, as Sri Sujith Jaiswal, learned counsel for the petitioners, would now state that his clients are anxious to liquidate the entire outstanding dues of the respondent bank, we dispose of the Writ Petition permitting the respondent bank to proceed with the sale scheduled to be held on 08.07.2016. However, the sale shall not be confirmed and not more than 25% of the bid amount shall be collected from the auction purchaser(s), if any. The petitioners shall deposit 1/4th of the total outstanding dues as intimated to them by the respondent bank on or before 15.07.2016. In the event the petitioners fail to make this deposit on or before 15.07.2016, the respondent bank would be at liberty to proceed in the matter in accordance with law. However, if the said amount is deposited by 15.07.2016, the respondent bank shall not confirm the sale till 09.08.2016. The petitioners shall discharge the balance of the entire outstanding dues on or before the said date, be it by way of a lumpsum payment or in instalments. In the event the petitioners do so, the respondent bank shall cancel the sale and return the 25% of the bid amount collected from the auction purchaser(s) with 9% interest p.a. thereon. The petitioners shall bear this interest burden also. In the event the petitioners fail to make the deposit as aforestated by 09.08.2016, the respondent bank would be at liberty to proceed in the matter in accordance with law.

Pending miscellaneous petitions in the Writ Petition shall stand closed. No costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Dt.05.07.2016
Vvr.