

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**and**

**The Hon'ble Sri Justice G.Shyam Prasad**

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**Writ Petition No.26680 of 2016**

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**Date: 09.08.2016**

**Between:**

Smt.Vemula Anuradha

**..Petitioner**

**and**

The Manager  
State Bank of India  
Bethamcherla Branch  
Kurnool District

**..Respondent**

**Counsel for the Petitioner: Mrs.AS.Lakshmi**

**The Court made the following:**

**Order:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by a fresh E-Auction notice issued by the respondent fixing '12-08-2016' as the date of auction of the mortgaged asset of the petitioner, the latter has filed this Writ Petition.

A perusal of the record shows that questioning

a sale notice issued earlier on 24-02-2016, the petitioner has filed WP.No.8666 of 2016 and this Court disposed of the same by Order, dated 21-03-2016, in the following terms:

“1) The petitioner shall deposit a further sum of Rs.1,00,000/- at least on or before 30.03.2016 to the loan account and the petitioner shall deposit a further sum of at least Rs.3,00,000/- in one or more than one installments before the end of April, 2016 and the balance amount including incidental expenses incurred by the respondent/Bank for undertaking securitization measures shall be cleared on or before 31.05.2016.

2) Any failure to live up to these promises which learned counsel made before us, which promises have induced us to pass this order, the respondent/Bank is at perfect liberty to proceed further by finalising the sale duly accepting 75% of the bid amount payable and then execute a sale certificate, register it and deliver vacant possession of the secured asset without any further reference to this Court.”

At the hearing, the learned Counsel representing Smt.A.S.Lakshmi, learned Counsel for the petitioner, submitted that on 24-03-2016, the petitioner has deposited a sum of Rs.2 lakhs towards the amount due and that due to financial problems, she could not deposit the balance amount of Rs.6 lakhs. She has further argued that the petitioner has

made a representation to the respondent for extending time, but without considering the same, the latter has issued the impugned E-Auction notice.

Having invited an order from this Court, which was passed based on the promise made by the petitioner that she will clear the entire arrears on or before 31-05-2016, she failed to fulfill the same. Having, thus, committed default in making payments as per the order of this Court, the petitioner cannot expect the respondent to extend the time. The petitioner has not even approached this Court with a request to extend the time stipulated in WP.No.8666 of 2016. This conduct of the petitioner reveals that she has no *bona fides*. In these circumstances, the action of the respondent cannot be found fault with as he is entitled under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to recover the loan amount by auctioning the security interest.

For the aforementioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition,  
WPMP.No.33028 of 2016, filed by the petitioner for  
interim relief, is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

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**(G.Shyam Prasad, J)**

**Dt: 9<sup>th</sup> August, 2016**  
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