

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.27889 of 2016

22.08.2016

Between:

M/s.Anand Regency Services Pvt. Ltd., Chennai

..Petitioner

And

The Authorized Officer, Bank of India, Rajahmundry
and others

..Respondents

Counsel for the petitioner: Mrs.P.K.Kalyani for Mr.A.V.Gopala Rao

Counsel for the respondents: --

The Court made the following:



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

This writ petition is filed assailing the e-auction sale notice, dated 16.07.2016, whereunder respondent No.1 proposed to hold auction on 22.08.2016 (today) of the mortgaged properties belonging to the petitioner for recovery of Rs.7,79,58,794/- along with interest accrued thereon.

2. The pleadings of the petitioner and the submissions of his counsel show that this case has a litigious background. The loan secured by the petitioner was declared as non-performing asset (N.P.A.) and the respondents have been making repeated efforts to recover the loan by selling the mortgaged properties. Twice their attempts have proved futile as they could not secure the bidders on those two occasions. On each of those occasions, the petitioner approached the Debts Recovery Tribunal and secured an interim order. On the petitioner's own showing, at least in one case, it failed to comply with the conditional interim order passed by the Tribunal. When a third attempt is made by respondent Nos.1 and 2 to bring the properties to sale, the petitioner has approached this Court by way of the present writ petition. The petitioner has failed to offer proper reasons for bypassing the alternative remedy of appeal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'). The Supreme Court in *United Bank of India vs. Satyawati Tondon and others*¹ held that it is not proper for the High Courts to entertain the writ petitions filed bypassing the remedies under Section 17 of the SARFAESI Act. Even otherwise on merits also, the petitioner failed to impress upon us to interfere with the proposed auction as admittedly it has committed default in payment of the loan. It has failed to raise any legal ground, upon

¹ (2010) 8 SCC 110

which this Court would interdict respondent Nos.1 and 2 from proceeding with the auction.

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

4. As a sequel to dismissal of the writ petition, W.P.M.P.No.34552 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

22nd August, 2016
GHN

