THE HON'BLE SRI JUSTICE R.KANTHA RAO
AND
THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.7886 of 2016

ORDER: (per the Hon'ble Dr. Justice B.Siva Sankara Rao)

The petitioner is undisputedly the borrower within the meaning of Section 2(1)(f) Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and having availed the financial assistance from the respondent bank, the secured creditor, for the defaults committed in payment of the amounts, the account is classified as non-performing asset as defined under Section 2(o) of the Act. The Bank, after exhausting the remedies by issuing demand notice to liquidate the debt within 60 days U/Sec.13(2) of the Act, which was not meted out by the borrower, has issued possession notice u/sec.13(4) of the Act and also published sale notice and issued in compliance of the rules 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002.

2.It is the submission of Sri B.S.Prasad, learned standing counsel appearing for the respondent bank that possession was already taken. Though several contentions raised by the petitioner/borrower, it is the ultimate submission that the petitioner is anxious to liquidate the debt but for financial constrains being a bank employee.

3. Having regard to the above factual matrix and from hearing both sides for no grounds to admit the Writ Petition and kept pending, the Writ Petition is disposed of with the following observation to subserve the ends of justice that the petitioner shall pay on or before 31.05.2016 a minimum of Rs.8,00,000/-(Rupees eight lakhs only) and pay a further amount of Rs.6,00,000/-(Rupees six lakhs only) by

30.06.2016 and to pay the remaining balance, if any, due of the secured debt with all expenses and charges incurred for the securitization measures to the bank on or before 31.07.2016. In the meantime, the bank may proceed with taking further steps including conducting of sale by auction and collecting 25% of the highest bid amount, however not to collect the remaining 75% of the bid amount, not to confirm the sale and not to issue sale certificate. In the event of the petitioner/borrower committed any default in the payments, even of the 1^{st} instalment by 31.05.2015, the bank is at liberty to proceed further by collecting remaining 75% of the bid amount, confirm the sale and issue sale certificate in favour of the highest bidder without any further reference to the Court.

4) Consequently, miscellaneous petitions in the writ petition pending, if any, shall stand closed.

R.KANTHA RAO, J

Dr.B.SIVA SANKARA RAO, J

Date: 21-04-2016

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