

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE DR. JUSTICE B. SIVA SANKARA RAO
WRIT PETITION No.16016 of 2016

ORDER: *(Per Hon'ble Sri Justice Sanjay Kumar)*

Heard Sri S. Syam Sunder Rao, learned counsel for the petitioner and Sri B.S. Prasad, learned counsel for Union Bank of India.

The prayer of the petitioner in this case is as under:

“To issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the order dated 15.04.2016 in S.A.No.87 of 2016 on the file of Debts Recovery Tribunal, Visakhapatnam Bench, Visakhapatnam, Andhra Pradesh, imposing a condition of deposit of 25% of Rs.31,54,903.00, within three weeks from the date of 15.04.2016 and further imposing a condition of deposit of balance dues within two months from the date of 15.04.2016, is illegal, arbitrary and contrary to the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It is fairly stated by Sri S. Syam Sunder Rao, learned counsel, that pursuant to the order dated 12.04.2016 passed by the Debts Recovery Tribunal, Visakhapatnam, in S.A.No.87 of 2016 (wrongly mentioned as 15.04.2016 in the prayer), the amounts directed to be paid within the time stipulated therein were not paid. Learned counsel would however state that a sum of Rs.9,00,000/- was paid in entirety towards the Bank's outstanding dues and that the petitioner was unable to clear the balance outstanding dues owing to the failure of cotton crop.

Perusal of the order passed by the Debts Recovery Tribunal, Visakhapatnam, reflects that the petitioner had sought four months time for clearing its liability to the respondent/Bank. As two months have already elapsed since then, a further period of two months can be allowed to the petitioner to prove its bona fides in clearing the bank's

dues.

The Writ Petition is accordingly disposed of permitting the petitioner to deposit 50% of its outstanding dues with the respondent/Bank within one month from today and the balance 50% within one month thereafter. In the event the petitioner commits default in payment of the first or the second installment as stated supra, the respondent/Bank shall be at liberty to proceed in the matter in accordance with law without further reference to this Court.

Pending Miscellaneous Petitions shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.06.2016
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