

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

WRIT PETITION No.14985 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This Writ Petition is filed by the petitioner challenging the sale notice dated 23.03.2016 issued by M/s Indian Bank, the respondent herein, in furtherance of the proceedings initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act). By order dated 28.04.2016, this Court took note of the fact that the petitioner's account has been classified as a non-performing asset not due to any default committed by him but owing to certain other objections with regard to the manner in which the loan was granted. This Court also recorded that the petitioner was regularly paying Equated Monthly Instalments (EMIs) due towards the loan and accordingly granted interim stay of the proposed auction.

Sri B. Prabhakar Rao, learned counsel appearing for the respondent Bank, states on instructions that it is a fact that the petitioner's loan account was classified as a non-performing asset due to certain technical objections which were thereafter found to be incorrect. He therefore states that the Bank has no objection to regularize the loan account of the petitioner.

In the light of the above facts, it is clear that the petitioner's loan account was classified as a non-performing asset not because of any default but because of some other objections which were thereafter found to be without basis.

The Writ Petition is accordingly disposed of directing the respondent Bank to drop further proceedings under the SARFAESI Act and regularize the petitioner's loan account in accordance with the due procedure.

Consequently, pending miscellaneous petitions, if any, shall stand closed. No costs.

JUSTICE SANJAY KUMAR

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.16.06.2016

vvr.