

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

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No. 20882 of 2016

Date: 20.09.2016

Between:

M/s. Venkata Ramana Traders,
Rep. by its Proprietor Sri D. Pradeep Kumar,
Nizamabad.

.. Petitioner

and

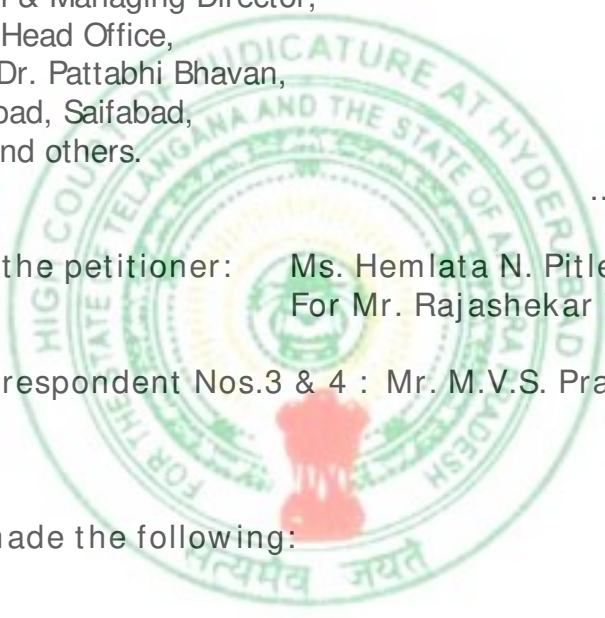
The Chairman & Managing Director,
Andhra Bank Head Office,
O/o. 5-9-11, Dr. Pattabhi Bhavan,
Secretariat Road, Saifabad,
Hyderabad, and others.

.. Respondents

Counsel for the petitioner: Ms. Hemlata N. Pitlawar
For Mr. Rajashekar Thallapally

Counsel for respondent Nos.3 & 4 : Mr. M.V.S. Prasad

The Court made the following:



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

This writ petition is filed feeling aggrieved by the e-auction notice dated 31.05.2016 issued by respondent No.4 for recovery of loan due from the petitioner.

On 01.07.2016, this Court passed an order, wherein it was observed that though no substantial challenge was mounted in the writ petition against the proposed sale, however, as the learned counsel for the petitioner has stated that his client is anxious to clear the outstanding dues, a direction was issued to the respondents not to confirm the sale for a period of one month and that in the meantime, the petitioner shall deposit 50% of the entire outstanding dues on or before 19.07.2016 and the balance 50% outstanding dues on or before 04.08.2016. The Court has left the respondents with liberty to proceed further in accordance with law in the event the petitioner commits default in payment of either of the two installments.

At the hearing, Ms. Hemlata N. Pitlewar, learned counsel representing Mr. Rajashekar Thallapally, learned counsel for the petitioner, submitted that her client has not paid any part of the outstanding loan amount.

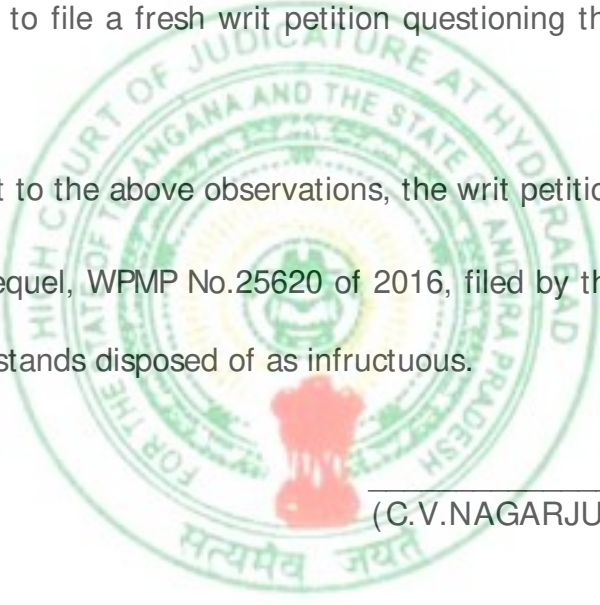
Mr. M.V.S. Prasad, learned counsel for respondent Nos.3 and 4, also stated that the petitioner failed to make any payment. He has further submitted that as no buyer has come forward in pursuance of the impugned auction notice, evidently in view of the interim order passed by this Court, the proposed auction could not be held.

Learned counsel for the petitioner has submitted that a fresh auction notice was issued and that the petitioner may be given liberty to challenge the same.

In our opinion, having invited an order from this Court and successfully stalled the auction proceedings, the petitioner failed to comply with either of the two conditions imposed by this Court and therefore, the petitioner cannot be permitted to initiate fresh legal proceedings against the fresh auction notice. Hence, we decline the request of the learned counsel for the petitioner to reserve liberty with the petitioner to file a fresh writ petition questioning the fresh auction notice.

Subject to the above observations, the writ petition is dismissed.

As a sequel, WPMP No.25620 of 2016, filed by the petitioner for interim relief stands disposed of as infructuous.



(C.V.NAGARJUNA REDDY, J)

A. SHANKAR NARAYANA, J

Date: 20.09.2016
va