

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.769 of 2016

ORDER : *(Per Hon'ble Sri Justice R.Subhash Reddy)*

This writ petition is filed for a Mandamus to declare the action of the Debts Recovery Tribunal, Visakhapatnam, the 2nd respondent herein, in rejecting to register I.A (SR) No.2852 of 2015 in O.A.No.181 of 2008 by office objection, dated 09.12.2015, as illegal and arbitrary.

The petitioner is the auction purchaser in the auction conducted pursuant to the measures taken under the SARFAESI Act in respect of the assets of M/s. LID Jewelers (India) Private Limited, who has availed the loan facility from the 1st respondent – Bank. Bid amount of Rs.10,68,20,200/- was paid to the Advocate Commissioner, who kept the same in interest bearing account in view of the pendency of the proceedings in O.A.No.181 of 2008 before the Tribunal. Ultimately, sold articles were delivered to the petitioner in the year 2015. As the amount paid by the petitioner was kept in interest bearing account, the present interlocutory application in IA (SR) No. 2852 of 2015 in O.A.No.181 of 2008 is filed by him claiming interest, which is accrued on the deposit made in the Bank.

Heard Sri K.Raghavacharyulu, learned counsel for the petitioner, and Sri M. Narender Reddy, learned Standing

Counsel appearing for the 1st respondent.

In the application in IA (SR) No.2852 of 2015, the petitioner has shown the Advocate Commissioner as a party respondent. By office objection, dated 09.12.2015, the said I.A was declined to be registered mainly on the ground that the Advocate Commissioner is the representative of the Tribunal and, as such, no petition can be maintainable against him.

As it is not in dispute that the amount was paid to the Advocate Commissioner and he deposited the same in the Bank, he is a proper party, if not necessary, for disposal of the application in IASR. In view of the same, the office objection, dated 09.12.2015, of the Tribunal stands over-ruled and this writ petition is disposed of directing the 2nd respondent - Tribunal to register the application in IA (SR) No.2852 of 2015 filed by the petitioner and dispose of the same on merits by issuing notice to all the affected parties.

Subject to the above, the writ petition stands disposed of.
No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

