THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.7120 of 2016

ORDER : (per the Hon'ble Sri Justice Nooty Ramamohana Rao)

This is the second round of litigation indulged in by the petitioner in quick span of time. When he instituted W.P. No.4876 of 2016, we dealt with that case on 07.02.2016 by granting time to the petitioner to the loan account, a sum of not less than Rs.10.00 lakhs before 29.02.2016 and so on each month thereafter so as to liquidate the whole of the liability before the end of June, 2016. Further, we have not stopped the sale by e-auctions slated to be held on 18.02.2016. In that view of the matter, the 1st respondent-bank has gone ahead with the e-auctions. It appears that the highest bidder offered a sum of little more than Rs.98.00 lakhs. Since the said offer was fairly above the upset price fixed and that it would also liquidate the entire liability, the bank appears to have issued a letter of acceptance of the bid. We also informed to say that in pursuance thereof, the best bidder has deposited 25% of his bid amount on 01.03.2016, he is now given 15 days time to deposit balance 75% of the bid amount. As a desperate attempt, the petitioner herein in this writ petition seeks time till 18.03.2016 to deposit and liquidate the entire liability outstanding in the loan account including the incidental expenses incurred by the 1st respondent-bank for undertaking securitisation measures as also possible payment of interest at reasonable rate, on the money deposited by the highest bidder.

2) Hence, this writ petition is disposed of at the admission

stage after hearing Sri B.S.Prasad learned counsel on behalf of respondent Nos.1 and 2 by directing the respondent Nos.1 and 2 not to execute a sale certificate till the expiry of banking hours on 18.03.2016 by which date if the petitioner clears the entire outstanding liability. If any default is committed by the petitioner in complying with this order, it shall be open to the respondents 1 and 2 to execute the sale certificate in favour of the highest bidder on or after 19.03.2016 duly accepting the balance payment of 75% of the auction amount and also deliver vacant possession of the secured asset to the highest bidder.

3) We have passed this order taking an extremely compassionate view of the matter and also in view of the allegation that the real market value of the secured asset is more than Rs.3.00 crores, and it has now gone for a far less price as stated by the learned counsel Sri Mummaneni Srinivasa Rao.

4) The writ petition is disposed of with this order. No costs. Consequently, miscellaneous petitions, if any shall stand closed.

NOOTY RAMAMOHANA RAO, J

Dr.B.SIVA SANKARA RAO, J

03-03- 2016
N.B: Copy by tomorrow.
(b/o) ksh