

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice G.Shyam Prasad

–
Writ Petition No.27708 of 2016

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Date: 19.08.2016

Between:

M/s.AMR Builders Pvt. Ltd.
authorized by Sri Meka Sreedhar Reddy

..Petitioner

and

State Bank of Hyderabad
rep. by its Authorised Officer
Hyderabad

..Respondent

**Counsel for the Petitioner: Mr.M.Nageswar Rao
Pujari**

The Court made the following:

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

This Writ Petition is filed for a Mandamus to set aside E-Auction –cum- Sale Notice, dated 11-07-2016, issued by the respondent for sale of a semi-finished residential duplex building admeasuring 155.20 square yards in Municipal

No.1-2-687/2/8 of Plot No.8, in Survey No.687/2, situated at Dr.Mallikarjun's Samskruthi Swargam, Yellareddyguda, Kapra Circle, Keesara Mandal, Rangareddy District.

We have heard Mr.Nageshwar Rao Pujari, learned Counsel for the petitioner, and perused the record.

The petitioner, which has borrowed loan from the respondent by mortgaging the property of its Managing Director, has committed default in repayment of the same as per the schedule leading to initiation of securitisation measures by the respondent. Assailing the E-Auction –cum- Sale Notice, dated 11-07-2016, fixing '17-08-2016' as the date of auction, the petitioner has filed Securitization Appeal on 09-08-2016 before the Debt Recovery Tribunal, Andhra Pradesh at Hyderabad. On the ground that the presiding Officer is on leave, the petitioner filed this Writ Petition.

In his affidavit, the Managing Director of the Petitioner averred that the sale is scheduled to be held on 17-08-2016 and that he is prepared to pay

the outstanding loan amount of Rs.78,68,000/- in “Ten (5)” equal installments. The learned Counsel for the petitioner, however, submitted that there was a typographical error in mentioning the correct figure and that the petitioner is prepared to repay the amount in 5 equal installments.

Considering the fact that the Presiding Officer is on leave, we have expressed our inclination to entertain the Writ Petition, if the petitioner shows its *bona fides* by depositing a sum of Rs.20 lakhs on or before 23-08-2016. However, the learned Counsel submitted that the petitioner will not be able to deposit such an amount.

In the light of the facts that the petitioner is an admitted defaulter and the respondent has the right to recover the loan amount under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and in the absence of the petitioner's readiness to deposit a reasonable amount in support of his averment that he has the inclination to repay the loan amount in 5 equal installments, we do not find any reason to interfere with the proposed

auction, more so, when the date of auction is well past.

The Writ Petition is, accordingly, dismissed, however, without prejudice to the right of the petitioner to pursue the pending Securitization Appeal.

As a sequel to dismissal of the Writ Petition, WPMP.No.34319 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 12th August, 2016
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