

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

WRIT PETITION No.20286 of 2016

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

Challenge in this writ petition was to the e-auction notice dated 19.05.2016 issued by the Andhra Bank on the ground that the value for which the secured asset was proposed to be sold thereunder was much lesser than the actual value.

By order dated 24.06.2016, this Court took note of the fact that the ground of challenge with regard to under-valuation of the secured asset was borne out by the material placed on record and accordingly granted stay of further proceedings pursuant to the impugned e-auction sale notice dated 19.05.2016 for a period of four weeks. This Court further directed that even if the sale materialized, the respondent bank should not accept even 25% of the bid amount pursuant thereto.

Sri V. Raghu, learned counsel for the respondent bank, would state that the sale pursuant to the impugned e-auction sale notice dated 19.05.2016 was held on 24.06.2016 and even before the order passed by this Court could be communicated, 25% of the bid amount was also received from the highest bidder. He would further state that the writ petition is liable to be dismissed on the ground that the petitioners willfully suppressed material particulars in terms of their having filed S.A.No.140 of 2016 before the Debts Recovery Tribunal, Visakhapatnam, in relation to the proceedings initiated by the respondent bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Sri V. Nitesh, learned counsel for the petitioners, is unable to explain this lapse on the part of the petitioners as there is no mention of this case having been filed in the writ affidavit.

It is a settled legal position that a litigant who approaches this Court by way of a writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution must do so with clean

hands. It would not be open to such a party to suppress facts which are perceived to be detrimental to its cause and seek discretionary relief from this Court.

The writ petition is therefore liable to be dismissed on this short ground and is accordingly dismissed.

Interim order dated 24.06.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

15th July, 2016
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