

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.30313 of 2016

Date:09.9.2016

Between:

Jammula Eswari,
W/o Late Jammula Rama Rao

..... Petitioner

And:

The Assistant General Manager,
State Bank of India, Hyderabad
and another.

....Respondents

Counsel for the petitioner: Mr. V.Ganesh Bhujanga Rao

Counsel for respondent No.1: Mr. Podila Hari Prasad

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The only grievance of the petitioner in this Writ Petition is that in spite of order, dated 20.7.2016, in Writ Petition No.3301 of 2016, respondent No.1 is intending to auction the secured asset belonging to the petitioner, without considering her representation regarding the quantum of liability, in respect of which, she alleges existence of a serious dispute.

At the hearing, Mr. V.Ganesh Bhujanga Rao, learned counsel for the petitioner, submitted that to show her *bona fides*, the petitioner will deposit 50% of the liability, i.e., Rs.40 lakhs, within two weeks and that, respondent No.1 may be directed to consider her application regarding the quantum of liability.

Mr. Podila Hari Prasad, learned counsel for respondent No.1-bank, submitted that so far, the petitioner has not made any representation regarding the quantum of liability and that, if such a representation is made by paying 50% of her liability, the bank will consider the same and take appropriate decision thereon.

In the light of the above submissions of the learned counsel for the parties, the Writ Petition is disposed of in the following terms:

- (1) Respondent No.1 is permitted to proceed with the sale, but, the bank shall not confirm the same for a period of

one month, subject to the petitioner paying a sum of Rs.40 lakhs within two weeks from today;

- (2) On payment of the sum specified in (1) supra, the petitioner is permitted to make a detailed representation, which shall be considered by the competent authority of the State Bank of India and communicate its decision to the petitioner within 15 days of receipt of such representation;
- (3) The petitioner's right to avail further remedies depends upon the nature of the decision that may be taken by the bank; and
- (4) If the petitioner fails to deposit the amount, as directed in (1) supra, within the stipulated time, respondent No.1 shall be free to take further action in pursuance of the sale.

As a sequel to disposal of the Writ Petition, WPMP.No.37487 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

09th September 2016

DR