

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.28346 of 2016

24.08.2016

Between:

N.Satyaramakrishna

..Petitioner

And

The Authorized Officer,
State Bank of India, Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.Vedula Venkata Ramana, senior counsel
for M/s.Bharadwaj Associates

Counsel for the respondents: --

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 notification, dated 10.08.2016, issued by respondent No.1.

2. At the hearing, Mr.Vedula Venkata Ramana, learned senior counsel appearing for the petitioner, has submitted that his client has not received the mandatory notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'). He has further submitted that for recovery of a sum of Rs.8,28,789/-, respondent Nos.1 and 2 are seeking to sell the property, which is worth about more than Rs.60 crores, in respect of which the Bank itself has shown the reserve price as Rs.19.08 crores in the corrigendum to the auction notification issued by it on 11.08.2016.

3. Mr.B.S.Prasad, learned standing counsel for the State Bank of India appearing for respondent Nos.1 and 2, has submitted that the amount of Rs.8,28,789/- shown in the impugned auction notification is a mistake and his clients are going to withdraw the said notification with liberty to issue a fresh auction notification.

4. In the light of the submissions made by the learned standing counsel as referred to above, the question whether the petitioner has received notice under Section 13(2) of the SARFAESI Act need not be adjudicated as even if such allegation is proved, the petitioner can challenge the fresh action, if any, initiated under Section 13(4) of the SARFAESI Act on the ground of non-service of notice under Section 13(2) of the SARFAESI Act. While preserving this right in the petitioner, the Writ Petition is disposed of, by placing on record the submission of the learned standing counsel that respondent Nos.1 and 2 will not enforce the impugned auction notification.

5. As a sequel to disposal of the writ petition, W.P.M.P.No.35098 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

24th August, 2016
GHN

