

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.37647 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioners have come up with a very strange prayer seeking a direction to the respondents-Bank to regularize their account in the light of the order passed by this Court in a previous writ petition.

2. Heard Sri Aedula Govinda Reddy, learned counsel for the petitioners and Smt. T.Vidya Rani, learned counsel, takes notice for the respondents-Bank.

3. When a Possession Notice dated 14-9-2016 was issued, the petitioners came up with a writ petition in W.P.No.31844 of 2016. In the said writ petition, the petitioners submitted that they are willing to pay the overdue amounts pertaining to cash credit and overdraft facilities by 31-10-2016. In the light of the said statement, the writ petition was disposed of by a Bench of this Court on 21-9-2016 to the following effect:

“4. In the light of the above submissions of the learned counsel for the parties, the petitioners are permitted to pay the overdue amounts in respect of the aforesaid accounts on or before 31.10.2016. Till then, the respondents shall not take physical possession of the secured assets. Needless to observe that if the petitioners fail to stand on their promise of paying off the overdue amounts by 31.10.2016, the respondents shall be free to take further steps in pursuance of the impugned possession notice for recovery of the outstanding loan amounts.

5. Subject to the above direction, the Writ Petition is disposed of.”

4. It appears that thereafter the petitioners made payment of a sum of Rs.15,45,000/-. However, the Bank informed the petitioners on 28-10-2016 that the balance overdue was Rs.11,45,562/- as on 27-10-2016. Complaining that the Bank has not indicated how the payment of Rs.15,45,000/- was adjusted and complaining that they do not know how the amount indicated in the email dated 28-10-2016 was arrived at, the petitioners are before us.

5. In a writ petition we cannot go into the questions of fact. The petitioners should obtain a statement of accounts to see where the payments are adjusted and how charges are made and how the amount is arrived at. Still if they have any grievance they must work out their remedies only before the Debts Recovery Tribunal which is competent to deal with the disputed questions of fact. Therefore, leaving that liberty open to the petitioners, this writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

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U.DURGA PRASAD RAO, J.

07<sup>th</sup> November, 2016.  
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HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.37647 of 2016  
(per VRS, J.)



07<sup>th</sup> November, 2016.  
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