

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

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.30754 of 2016

12.09.2016

Between:

M/s.Anil Constructions, Hyderabad

..Petitioner

And

The State Bank of Hyderabad, Hyderabad and another

..Respondents

Counsel for the petitioner: Mr.Kowturu Pavan Kumar
for Mr.Kowturu Vinaya Kumar

Counsel for respondent No.1: Mr.K.Sai Rama Murthy

Counsel for respondent No.2: --

The Court made the following:



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

The petitioner filed this writ petition obviously as a last ditch effort to prevent confirmation of sale of certain flats mortgaged by it in favour of respondent No.1 under the proceedings initiated by the latter for recovery of the loan amount advanced by it to the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The interim order, which is assailed in this writ petition, passed by respondent No.2 declining to grant stay of auction is self-explanatory. The petitioner, having failed to avail the repeated opportunities provided for repayment of the dues, approached respondent No.2 to stall the confirmation of sale, by raising the pleas that reduction of reserve price from Rs.15.97 crores to Rs.14.72 crores was illegal and that the highest offer during the auction at Rs.1,161.18 per square feet is far less than the actual market price of Rs.1,875/- per square feet. Nevertheless, these pleas did not impress upon respondent No.2 and in our view rightly so. However, Mr.Kowturu Pavan Kumar, learned counsel representing Mr.Kowturu Vinaya Kumar, learned counsel for the petitioner, in his usual fairness, has requested this Court to direct respondent No.1 to give the petitioner one last chance to procure the buyers with higher offers than the offer made by the highest bidder in the auction, before the scheduled date of confirmation and that if such offers appear *bona fide* to respondent No.1, they may accept the same in respect of thirteen flats mentioned in the prayer, except flat Nos.3301 and 1202, with regard to which, the learned counsel for the petitioner has submitted that by mistake wrong flat numbers are given and that correct flat numbers will be indicated by the petitioner to respondent No.1.

3. Mr.K.Sai Rama Murthy, learned counsel for respondent No.1 bank, has submitted that since the petitioner is trying to postpone the confirmation of sale on one pretext or the other, it may be directed to furnish demand drafts for at least 25% of the offers that may be made by the intending buyers to show its *bona fides* to enable respondent No.1 to consider its request. The learned counsel for the petitioner has agreed for this submission of the learned counsel for respondent No.1.

4. In view of the above submissions, the Writ Petition is disposed of in the following terms:

(1) The petitioner is permitted to approach respondent No.1 by way of written representation along with demand drafts for 25% of the offers that may be made by the prospective buyers, which shall be not less than the highest offer received by respondent No.1 in the auction, before the schedule date and time for confirmation of auction,

(2) If such offers are received, respondent No.1 shall take appropriate decision thereon in the event, the petitioner complies with the aforementioned conditions, and

(3) Respondent No.1 shall assign reasons in case it declines the offer of the prospective buyers secured by the petitioner before proceeding with the confirmation of the auction.

5. As a sequel to disposal of the writ petition, W.P.M.P.No.38065 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

12th September, 2016
GHN