

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.15949 OF 2016

ORDER: (per ASN,J)

The instant writ petition is filed questioning the order dated 11.04.2016 passed in SA.No.388 of 2015 by the Debts Recovery Tribunal, Hyderabad (for short 'the Tribunal'), whereby and whereunder the Tribunal has dismissed S.A. rejecting the submission of the petitioners.

Heard Sri P.Sri Raghuram, learned senior counsel for the petitioners and Sri D.Prakash Reddy, learned Senior Counsel for respondents 1 and 2.

In fact, Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*for short 'the Act'*), provides the relief of approaching the appellate authority against the orders passed by the Debts Recovery Tribunal. But, the learned counsel for the petitioners represents that due to certain reasons mentioned in the affidavit, the petitioners approached this Court seeking protection till they approach the appellate authority.

During the course of arguments, it is submitted by the learned counsel for the petitioners that there has been dispute with regard to the due amount and according to respondents 1 and 2, it was 1.8 crores and whereas according to petitioners it was 1.6 crores.

Learned Senior counsel for respondents 1 and 2 represents that after adjusting of Rs.35 lakhs initial deposit, as per the interim stay granted by the Tribunal in the S.A., the amount due is Rs.1.7 crores.

Provisos 1 and 2 of Section 18 of the Act contemplates that 1/4th amount can be directed to be deposited and that power is vested with the appellate authority. Therefore, we are inclined to direct the petitioners to deposit Rs.50,00,000/- (Rupees fifty lakhs only) as a condition for granting stay of all further proceedings to be taken by

respondents 1 and 2, within a period of six weeks from today, to enable the petitioners to approach the appellate authority. The petitioners are at liberty to seek appropriate relief from the appellate authority. In case, the petitioners do not deposit and approach the appellate authority, within six weeks from today, respondents 1 and 2 are at liberty to proceed with further measures under the Act.

Accordingly, the instant writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY, J

A.SHANKAR NARAYANA, J

Date: 05.05.2016
Prv/tk

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