THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5069 of 2016

ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Challenging the sale notice dated 11.02.2016, taken out by the 2nd respondent/State Bank of Hyderabad, the present writ petition is filed.

The necessity to record in great detail the facts is obviated in view of the proposed order to be passed by us.

The petitioner herein appears to have availed financial assistance from the 2nd respondent/State Bank of Hyderabad through account bearing No.62082661850 for a sum of Rs.16,00,000/-. Since the said loan account has not been cleared on regular basis, it was declared to have become Non Performing Asset (NPA) and a demand notice under sub Section 2 of Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') has been issued on 06.08.2015 calling upon the petitioner to clear the balance outstanding amount of Rs.23,85,535/- within a period of 60 days. The petitioner has failed to pay the said amount and the respondent/Bank has proceeded further by taking steps under Sub Section 4 of Section 13 of the Act. The wife of the petitioner herein is the 2nd borrower. It is represented before us that the petitioner herein has been diagnosed to be suffering from prostate gland cancer and consequently, has been undergoing treatment. Since the treatment is a very expensive one, the petitioner has been not in a position to clear the outstanding liabilities in the loan account. It is also represented before us, if the petitioner pays a sum of Rs.7,00,000/- at the earliest point of time, the respondent/Bank would regularise his loan account and provide him the facility to liquidate the balance liability by Equated Monthly Installments.

In the peculiar facts and circumstances narrated, we direct the 2nd respondent/Bank not to finalise the sale of the secured asset for a period of 30 days from today subject to the condition of the petitioner depositing a sum of Rs.7,00,000/- on or before 16.03.2016, and representing to the respondent/Bank to regularise his loan account and permit him to pay the balance outstanding liability by Equated Monthly Installments without committing any default in that regard. Any default in this regard on the part of the petitioner would give liberty to the respondent/Bank to finalise the auction without any further reference to this Court.

With this observation, this writ petition stands disposed of at the admission stage.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE Dr. B.SIVA SANKARA RAO

17.02.2016
Note: Issue C.C. by tomorrow
(B/o)
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