THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

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

<u>WRIT PETITION No.6456 of 2016</u>

<u>ORDER</u>: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ petition is in fact directed against an interlocutory order passed on 01.02.2016 in I.A.No.781 of 2015 in S.A.No.275 of 2015 on the file of Debts Recovery Tribunal, Visakhapatnam.

The said Tribunal by its order referred to supra, directed the petitioner herein to pay 25% of the dues as mentioned in the demand notice issued under Sub Section 2 of Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on or before the date of the sale and if it is so deposited, the respondent/State Bank of Hyderabad has been directed to defer the proposed sale.

Though several contentions have been canvassed before us by Sri C. Raghu, learned counsel for the petitioner, we regret our inability to concede to any of such submissions. But, however, what appeals to us is the plea raised on behalf of the petitioner that, given little more time the petitioner himself is anxious to deposit 25% of the liability so that, the total and overall liability would come down considerably. The petitioner would also be in a position to convince the respondent/Bank to reschedule the repayment of balance of 75% of the outstanding liability. In view of the difficulties explained in the petition filed in support of this writ petition and as well as those narrated at the bar today, we consider, perhaps, that ends of justice would be better served by according time to the petitioner for depositing the 25% as directed by the Debts Recovery Tribunal either in one or more than one installments, but, however, a sum of not less than 12.5% of the outstanding liability shall be deposited on or before 30.03.2016 and balance of 12.5% must be deposited on or before 30.04.2016. If any default is committed in complying with this order by the petitioner, it shall be open to the respondent/Bank to proceed in accordance with law against the petitioner without any further reference to this Court and also reference to the pending proceedings before the Tribunal.

The auction which is proposed to be held today, may go on, but however, the respondent/Bank may not direct the best bidder to deposit the balance 75% of his bid amount till the petitioner complies with the conditional order passed today. Only in the event of default as suggested supra, the respondent/Bank may proceed further by confirming the sale.

With this observation, this writ petition stands disposed of.

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

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE Dr. B.SIVA SANKARA RAO

29.02.2016
ska