THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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WRIT PETITION No.23050 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the e-auction notice dated 06.07.2016 issued by the State Bank of India, whereby it proposed to hold the sale of the secured assets on 15.07.2016.

On the face of it, there was no notice period of thirty days as mandated under Rule 8(6) read with Rule 9(1) of the Security Interest (Enforcement) Rules, 2002. This aspect of the matter was affirmed by the Supreme Court in **Mathew Varghese v. M. Amritha Kumar**[1].

Sri Maruti Jadav, learned counsel representing Sri B.S. Prasad, learned counsel for the respondent bank, confirms that there is no compliance with the statutory mandate with regard to maintenance of a clear thirty day notice period from the date of publication till the date of auction.

The impugned e-auction notice dated 06.07.2016 is therefore clearly unsustainable in law and is accordingly set aside.

The writ petition is allowed. This order shall however not preclude the respondent bank from initiating action afresh in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

14th July, 2016
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[1] (2014) 5 SCC 610