

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**  
**and**

**The Hon'ble Sri Justice G.Shyam Prasad**

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**Writ Petition No.27098 of 2016**

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**Date: 12.08.2016**

**Between:**

M/s.Bharat Tanmai Sesham Estates Pvt. Ltd.  
Visakhapatnam and another

**..Petitioners**

**and**

Union of India  
rep. by its Prl.Secretary  
Ministry of Finance  
New Delhi and 2 others

**..Respondents**

**Counsel for the Petitioners: Mr.R.Siva Sai Swaroop**

**Counsel for respondent No.1: Mr.B.Narayana Reddy,  
Asst. Solicitor General**

**The Court made the following:**

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

This Writ Petition is filed for the following  
substantive relief:

“to issue a Writ, Order or Direction more  
particularly in the nature of Writ of

Mandamus, declaring the action of the respondents in issuing the successive notice dated 23.05.2016 by invoking Section 13 (2) of SARFAESI Act apart from earlier Section 13 (2) notice dated 11.08.2011 after making the petitioners loan account No. HHEVZG00022159 as NPA in violation of the law and procedure as contemplated under the prescribed acts including the National Housing Bank Act, 1987 violating the terms and conditions of the loan agreement dated 30.09.2007 including the arbitration clause no.21 in the loan agreement, is illegal, arbitrary and against the principles of natural justice and consequently set aside the notice dated 23.05.2016 in the interest of justice.”

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After arguing the case, Mr.R.Siva Sai Swaroop, learned Counsel for the petitioners, requested for permission of the Court to withdraw the Writ Petition with liberty to his clients to avail the remedy under the Arbitration and Conciliation Act, 1996.

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The request of the learned Counsel for the petitioners is accepted and the Writ Petition is, accordingly, dismissed as withdrawn with liberty to the petitioners in terms of the prayer made.

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As a sequel to dismissal of the Writ Petition,  
WPMP.No.33549 of 2016, filed by the petitioners for  
interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 12<sup>th</sup> August, 2016  
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