THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.9174 of 2017

ORDER: (per SK,J)

This writ petition was filed aggrieved by the sale notice dated 30.01.2017 issued by the Central Bank of India under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for short, 'the Rules of 2002').

Sri Ch.Siva Reddy, learned counsel for the Central Bank of India, would inform us that pursuant to the aforestated sale notice, the sale of the secured assets did not materialise.

However, Sri R.Siva Sai Swaroop, learned counsel for the petitioners, would point out that the impugned sale notice dated 30.01.2017 merely mentions that the intended sale has to be carried out after expiry of 30 days from the date of receipt of the notice without indicating the actual date of sale. Learned counsel would submit that this is in violation of the procedure prescribed under Rule 8(6) of the Rules of 2002.

This issue is no longer *res integra* in the light of the recent judgment of the Supreme Court in Canara Bank v. M.Amarender Reddy[1], wherein it was held that the only restriction placed on the secured creditor is to serve on the borrower a notice of 30 days intimating him about its intention to sell the immovable secured assets and the mode and date fixed for the sale. It is therefore clear that the Supreme Court mandated that the notice issued under Rule 8(6) of the Rules of 2002 must also indicate the intended date of sale. As the impugned notice falls

[1] (2017) 4 SCC 735

short of this required standard, it is in any event liable to be set aside. However, as we are informed that the sale proposed to be held pursuant thereto did not materialise, we find no cause to interfere in the matter.

The writ petition is accordingly closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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JUSTICE SANJAY KUMAR

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JUSTICE GUDISEVA SHYAM PRASAD

Date:23.06.2017

GJ