

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

WRIT PETITION No.21239 of 2017

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

This writ petition was essentially directed against the e-auction sale conducted by the Canara Bank on 21.06.2017 pursuant to the auction notice dated 20.04.2017.

2. By order dated 29.06.2017, this Court took note of the counter filed by the Canara Bank in S.A.No.112 of 2017 before the Debts Recovery Tribunal at Visakhapatnam which manifested that 25% of the bid amount was not paid by the auction purchaser in terms of Rule 9(3) of the Security Interest (Enforcement) Rules, 2002, and accordingly granted stay of all further proceedings pursuant to the e-auction sale conducted on 21.06.2017.

3. Sri Nishith Bhattacharjee, learned counsel for the Canara Bank, would inform this Court that after the aforestated interim order was passed, the Canara Bank cancelled the sale held on 21.06.2017 and returned the 25% of the bid amount collected from the auction purchaser.

4. In that view of the matter, challenge to the auction held on 21.06.2017 no longer survives for consideration on merits. As the petitioner has already approached the Debts Recovery Tribunal at Visakhapatnam by way of S.A.No.112 of 2017 filed under Section 17 of the Securitization and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002, we leave it open to her to raise all issues in the said SA.

5. The writ petition is disposed of with the above observation. Pending miscellaneous petitions shall stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

Date: 20.07.2017.
TJMR

