

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No. 18268 of 2017

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

This writ petition was filed assailing the auction proceedings held by the Andhra Bank on 31.05.2017 pursuant to the e-auction notice dated 27.04.2017 in relation to the property belonging to the petitioner which was offered by her as a security, in the capacity of guarantor, for the loan facility availed by M/s. TVR Constructions Private Limited.

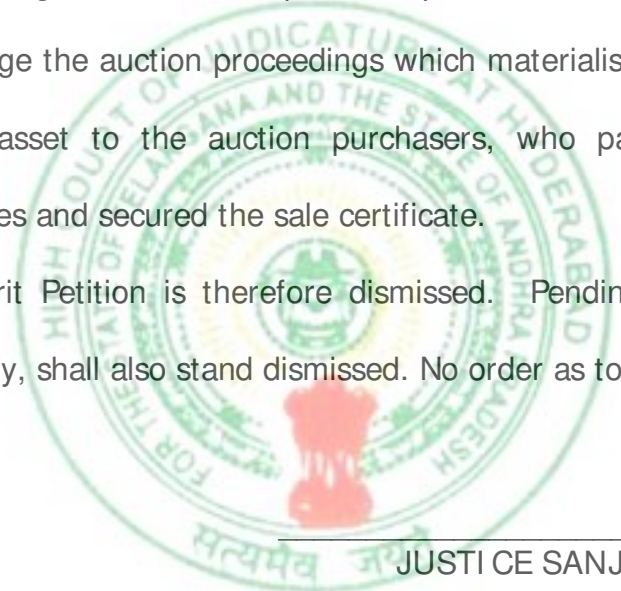
By order dated 08.06.2017, this Court took note of the fact that the auction was held by the respondent Bank on 31.05.2017 resulting in the sale of the secured asset belonging to the petitioner for a sum of Rs.2,90,50,000/-. However, Sri A. Jagan, learned counsel for the petitioner, stated that his client was willing to remit the sum of Rs.2,90,50,000/- in its entirety before 5.00 p.m on 17.06.2017. As the time granted to the auction purchaser to remit the balance sale consideration would expire on 20.06.2017, this Court was of the opinion that the petitioner's offer may be considered and accordingly granted liberty to her to make the payment of Rs.2,90,50,000/- before 5.00 p.m on 17.06.2017. This Court made it clear that in the event the petitioner made the payment, the auction sale already held would stand cancelled and the 25% of the sale consideration received from the auction purchaser should be refunded to him. This Court however left it open to the Bank to proceed in the matter in accordance with the due procedure laid down by law in the event the petitioner failed to pay the amount as aforestated. Sri A. Jagan, learned counsel, further undertook that his client would bear the interest burden on the refund of 25% of the sale

consideration to the auction purchaser in the event the auction stood cancelled.

It is now represented by Sri V. Raghu, learned panel counsel for the Andhra Bank, that the petitioner failed to make the payment as undertaken by her before 5.00 p.m on 17.06.2017. He would further state that the auction purchasers remitted the balance sale consideration on 19.06.2017 and the sale certificate was also issued in their favour.

This being the fact situation, we are of the opinion that the cause in this writ petition no longer survives for consideration on merits. The petitioner, having failed to live up to the promise made by her can no longer challenge the auction proceedings which materialised in the sale of the secured asset to the auction purchasers, who parted with their valuable monies and secured the sale certificate.

The Writ Petition is therefore dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



JUSTICE SANJAY KUMAR

Date: 06.07.2017

JUSTICE GUDI SEVA SHYAM PRASAD

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