

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29214 OF 2017

ORDER:

A surcharge order was passed against the petitioner for recovery of an amount of Rs.1,60,135/- and the petitioner filed C.T.A.No.13 of 2008 challenging the proceedings dated 04.04.2008 passed by the second respondent and sought stay of surcharge order in I.A.No.43 of 2008. The Tribunal passed an order for giving security as a condition for grant of stay and accordingly, the petitioner deposited a registered sale deed bearing document No.10042 of 1993, dated 02.09.1993 belonging to his father-in-law and the said security is continuing. However, when C.T.A.No.13 of 2008 was dismissed, the petitioner filed W.P.No.31462 of 2016 challenging the said order and the said writ petition is pending. In the said writ petition, the order that was passed in I.A.No.43 of 2008 was ordered to be continued. As a result of such interim order in the said writ petition, the security which was given by the petitioner is continuing.

While so, after the death of the father-in-law, his legal heirs wanted to dispose of the said property and in those circumstances, the petitioner submitted a representation on 22.06.2017 requesting the third respondent to substitute the said security by another registered sale deed bearing document No.7688 of 2016, dated 17.11.2016, in the name of his wife. When no orders are passed on the said representation, he filed the present writ petition.

The learned Government Pleader for respondents submits that the security now offered by the petitioner is less than the value of the security which was furnished earlier. In those circumstances, the petitioner expressed his willingness to recoup the balance amount by depositing cash.

In view of the above, liberty is given to the petitioner to approach the third respondent along with the new security for substituting the old security and also paying cash amount decided by the third respondent. The third respondent shall accept the substituted security and pass appropriate orders for payment of balance amount and it will be subject to further orders in W.P.No.32462 of 2016. The entire exercise shall be completed within two weeks from the date of the petitioner approaches the third respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed.

11.09.2017
pln



A.RAMALINGESWARA RAO, J