

*THE HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL*

WRIT PETITION No.16994 of 2017

ORDER: (per PNR,J)

Petitioner herein filed S.A.No.629 of 2014 on the file of the Debts Recovery Tribunal, Andhra Pradesh, at Hyderabad, aggrieved by the action of the first respondent bank in initiating proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. By order dated 29.04.2014, the Tribunal ordered maintenance of *status quo*. This order of *status quo* was extended from time to time. On 16.09.2014, while adjourning the matter, the Tribunal directed continuation of *status quo* granted earlier and the said *status quo* continued to operate.

The first respondent bank filed I.A.No.825 of 2017 for advancement of the hearing of S.A.No.629 of 2014. By docket order dated 27.03.2017, the Tribunal rejected the request for advancement and further observed that there is no order of *status quo* operating after 16.09.2014. Aggrieved by this observation, the petitioner filed the present writ petition.

Perusal of the docket proceedings of the Tribunal would show that the order dated 16.09.2014 extending the *status quo* was not confined to any particular period and that the *status quo* continued to operate. Therefore, the observation of the Tribunal that the *status quo* was extended only till 16.09.2014 and was not extended thereafter is not

correct. The docket order dated 27.03.2017 is therefore not sustainable in so far as the said observation.

At this stage, Sri E.Madan Mohan Rao, learned counsel for the first respondent bank, submits that on the assumption that the *status quo* was not continued after 16.09.2014, the request of the bank for advancement of hearing of the S.A. was not acceded to and therefore, I.A.No.825 of 2017 may be directed to be restored and considered and an opportunity of hearing being granted to both parties.

As seen from the prayer sought in I.A.No.825 of 2017, the petition was filed to seek advancement of the date of hearing of the S.A. from 25.04.2017 to an earlier date. Since 25.04.2017 itself is over, the cause in I.A.No.825 of 2017 does not survive. Therefore, no relief as sought for by Sri E.Madan Mohan Rao, learned counsel, can be granted. However, it is open to the first respondent bank to move an application for vacation of the *status quo* order granted by the Tribunal and on filing of such application, it is for the Tribunal to consider and pass appropriate orders thereon as warranted by law.

In the circumstances, the docket order of the Tribunal dated 27.03.2017 is set aside, insofar as the observation that the *status quo* was extended only till 16.09.2014 and the same was not extended thereafter. The order of *status quo* granted by the Tribunal on 29.04.2014 shall continue till further orders are passed regarding continuation or vacation of the same by the Tribunal. As it is stated that consequent to the order passed by the Tribunal on 27.03.2017, the first respondent bank proceeded further to conduct auction of the property and the auction is scheduled to be held today, the first respondent bank is directed not to

take further steps in pursuant to the auction notice dated 01.04.2017, published on 02.04.2017, till further orders are passed by the Tribunal.

The writ petition is accordingly disposed of.

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

JUSTICE P.NAVEEN RAO

JUSTICE M.S.K.JAI SWAL

Date:18.05.2017
IBL/GJ

