

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

WRIT PETITION No.31542 of 2015

ORDER: (per SK,J)

This writ petition was filed assailing the e-auction sale notice dated 28.08.2015 issued by the Bank of India proposing to put the secured assets to sale on 29.09.2015.

By order dated 28.09.2015, this Court granted interim stay of all further proceedings pursuant to the impugned e-auction sale notice subject to the petitioner depositing a sum of Rs.10,00,000/- within a period of four weeks from that day. In effect, the auction scheduled to be held on 29.09.2015 stood stayed.

Smt.T.Vidya Rani, learned counsel for the Bank of India, would inform this Court that no auction was held by the bank in deference to the order passed by this Court. She would further state that the petitioner failed to make the deposit in terms of the conditional order passed by this Court and even thereafter, he could not settle the bank's dues in spite of availing a One Time Settlement offer.

In any event, as challenge to the e-auction sale notice dated 28.08.2015 is rendered purely academic at this stage owing to the fact that no sale could be held by virtue of the interim order passed by this Court, we do not propose to adjudicate the other issues raised in this writ petition on merits and in a vacuum.

The writ petition is accordingly dismissed on this short ground leaving all issues open. The petitioner is at liberty to avail appropriate remedies in accordance with law if and when a fresh cause of action arises.

Interim order dated 28.09.2015 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:24.07.2017

GJ