

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

WRIT PETITION No.38212 of 2013

ORDER: (per SK,J)

This writ petition was filed assailing the letter dated 18.12.2010 addressed by the Andhra Bank to the first petitioner informing her that as she had failed to pay the balance sale consideration, one more opportunity was being given to her to pay the amount of Rs.17,88,000/- on or before 27.12.2010 failing which 25% of the bid amount, being a sum of Rs.5,97,000/-, paid by her would be treated as forfeited. The petitioner also sought a consequential direction to the bank to refund the sum of Rs.5,97,000/- with interest thereon.

By order dated 26.12.2013, this Court directed the Andhra Bank to consider the representations of the petitioners, the latest being 05.01.2011, and to pass appropriate orders thereon in accordance with law.

Pursuant to the said direction, the Andhra Bank, having considered the petitioners' representation, issued reply dated 03.02.2014 informing the first petitioner that the bank was forced to forfeit 25% of the bid amount paid by her as per the provisions of the Security Interest (Enforcement) Rules, 2002, and therefore, her request to refund the bid amount could not be considered.

In the light of the aforesaid rejection of the petitioners' representation, we are of the opinion that the same gives rise to a fresh cause of action.

The writ petition is accordingly dismissed leaving it open to the petitioners to avail appropriate remedies in accordance with law, if so advised.

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

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date: 28.07.2017
GJ