HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.37169 of 2016

O R D E R
(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the notice dated 13.10.2016 issued by the Advocate Commissioner pursuant to the order passed by the learned Chief Metropolitan Magistrate, Nampally, Hyderabad in Crl.M.P.No.1780 of 2016, in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act").

By order dated 01.11.2016, this Court granted interim stay of all further proceedings pursuant to the impugned notice.

Respondent-Andhra Bank, at whose behest the afore-stated proceedings were initiated, entered appearance through M/s.M.V.Kini and Co., Advocates and Solicitors. It is represented on behalf of the respondent-bank that the outstanding dues of the petitioner as on today stand at Rs.7,81,875/-.

Sri D. Raghavulu, learned counsel for the petitioner, would state that, if given sufficient time, his client would clear the outstanding dues so as to regularize his loan account and would continue to pay his dues thereafter on regular basis.

Sri Mohd. Ashfaq, learned counsel representing M/s.M.V.Kini and Co., Advocates and Solicitors, states that the interest of the bank should be protected.

As the respondent-bank is yet to initiate sale proceedings by issuing a notice under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, we are of the opinion that the petitioner may be granted some time to prove his bona fides and discharge the outstanding dues of the respondent-bank as on today.

The writ petition is accordingly disposed of granting two months time to the petitioner to clear the entire outstanding dues as on this day. The petitioner shall deposit Rs.3,90,937.50 ps., on or before 14.07.2017. He shall thereafter deposit the balance outstanding dues, including additional interest, costs and expenses, if any, on or before 14.08.2017. In the event the petitioner fails to make the deposits as afore-stated, this order shall stand withdrawn and it would be open to the respondent-bank to proceed in the matter in accordance with law. It is made clear that the order passed by the Chief Metropolitan Magistrate, Nampally, Hyderabad in Crl.M.P.No.1780 of 2016 is only kept in abeyance and it would be open to the respondent-bank to proceed on the strength thereof, in the event of default by the petitioner. Upon the petitioner clearing the entire outstanding dues existing as on this day, the respondent-bank may consider regularization of his loan account in accordance with the Rules. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

June 14, 2017
MRR