

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

WRIT PETITION No.1023 of 2017

ORDER: (per SK,J)

This writ petition was filed assailing the order dated 04.01.2017 passed by the Debts Recovery Tribunal, Hyderabad, in S.A.No.543 of 2016. By the said order, the Tribunal required the petitioner to deposit the first instalment of 15% of the total outstanding dues as claimed in the sale notice dated 25.11.2016 at or before 11.00 A.M. on 05.01.2017 and the second instalment of 15% of the total outstanding dues within two weeks thereafter. Subject to this condition being complied with, the Tribunal granted interim stay of the auction sale scheduled to be held on 05.01.2017 pursuant to the sale notice dated 25.11.2016. Aggrieved by the time granted to make the first instalment, i.e., by the very next day, this writ petition was filed.

By order dated 05.01.2017, this Court directed the petitioner to deposit 15% of the dues as ordered by the Tribunal on or before 06.02.2017 and to pay the second instalment of 15% on or before 06.03.2017. The bank was however permitted to proceed with the auction but directed not to confirm the sale until further orders.

It is now stated by Sri A.Nagendra Rao, learned counsel for the petitioner, that the conditional order passed by the Tribunal has been complied with within the time stipulations as extended by this Court.

The learned counsel appearing for the State Bank of Travancore, the first respondent, is however unable to confirm the same. He however informs this Court that the sale which was scheduled to be held on 05.01.2017 did not take place.

That being so, as the grievance of the petitioner was only with regard to the proposed sale and the conditions imposed by the Tribunal to stay the sale, the cause in this writ petition no longer survives for consideration on merits.

The writ petition is accordingly dismissed. The Tribunal shall take into account the amounts alleged to have been paid by the petitioner pursuant to the orders passed by it within the time extended by this Court, if sufficient proof of the same is placed before it and proceed to dispose of S.A.No.543 of 2016 on its own merits and in accordance with law.

Interim order dated 05.01.2017 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:26.07.2017

GJ