

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS**

WRIT PETITION No.31502 OF 2015

ORDER: (Per SK,J)

This Writ Petition was filed assailing the e-auction notice dated 28.08.2015 issued by the Bank of India, respondent No.1, proposing to hold the auction of the plant, machinery and immovable properties of M/s. VBC Ferro Alloys Private Limited, respondent No.2, on 29.09.2015.

2. By order dated 28.09.2015, this Court permitted the Bank to proceed with the auction pursuant to the impugned auction notice but directed it to keep an amount of Rs.100 lakhs out of the sale proceeds in a separate interest bearing no lien account.

3. It is now represented by Smt. V. Dyumani, learned counsel for Bank of India, that the auction sale held on 29.09.2015 did not materialize in an actual sale for want of bidders.

4. In that view of the matter, the challenge in this Writ Petition to the impugned auction notice dated 28.08.2015 is rendered purely academic and does not warrant consideration on merits.

5. The Writ Petition is therefore dismissed on this short ground leaving all issues open. It shall be open to the petitioner to avail appropriate remedies in accordance with law as and when a fresh cause of action arises.

6. Interim order dated 28.09.2015 shall stand vacated.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall also stand dismissed. There shall be no order as to costs.

SANJAY KUMAR, J

ANIS, J

June 28, 2017.
MD

