

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

WRIT PETITION No.16719 OF 2017

ORDER: (Per SK,J)

This Writ Petition was filed aggrieved by the order dated 26.04.2017 passed by the Debts Recovery Tribunal, Hyderabad, in I.A.No.1053 of 2017 in S.A.IR.No.160 of 2017, requiring the petitioner to deposit 30% of the total outstanding dues and upon compliance with such condition, the Tribunal granted interim stay of all further proceedings including the auction sale proposed to be held by SICOM Limited, respondent No.2, on 08.05.2017 pursuant to the public auction notice dated 07.04.2017.

2. By order dated 04.05.2017, this Court permitted the auction proposed to be held on 08.05.2017 to be proceeded with but directed respondent No.2 not to finalize or confirm the sale till the next date of hearing. Learned counsel for the petitioner informed the Court on the said day that in compliance with the condition imposed by the Debts Recovery Tribunal, Hyderabad, a sum of Rs.50,00,000/- (Rupees fifty lakhs) would be tendered on the next date of hearing.

3. On 11.05.2017, learned counsel for the petitioner handed over the cheque for a sum of Rs.50,00,000/- to the learned standing counsel for respondent No.2.

4. Thereafter, W.P.MP.No.23996 of 2017 was filed by the petitioner in this Writ Petition seeking stay of the auction proposed to be held on 03.07.2017 on various grounds.

5. Sri R. Raghunandan, learned senior counsel appearing for Ms. Shireen Sethna Baria, learned counsel for respondent No.2, would inform this Court that the auction held on 08.05.2017 failed to materialize in an actual sale for want of bidders. He would further submit that the prayer in W.P.MP.No.23996 of 2017 exceeds the scope of the Writ Petition which was filed in the context of the auction proposed to be held on 08.05.2017 and the order passed by the Debts Recovery Tribunal in relation thereto.

6. This Court finds merit in the submission. The prayer in the Writ Petition, being in the context of the order passed by the Debts Recovery Tribunal in relation to the auction proposed to be held on 08.05.2017, worked itself out once the said auction came to naught. That being so, this Court cannot examine the validity of the action of respondent No.2 in proposing to go for a fresh sale thereafter in the present Writ Petition.

7. The Writ Petition is accordingly dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law. The sum of Rs.50,00,000/- deposited by the petitioner in the course of these writ proceedings shall be given due credit to by respondent No.2 and also the Debts Recovery Tribunal, Hyderabad, in the pending S.A.

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

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

June 29, 2017.
MD

