

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

WRIT PETITION No.9099 of 2016

ORDER: (per SK,J)

This writ petition was filed assailing the e-auction sale notice dated 26.02.2016 issued by the State Bank of India proposing to hold the auction sale on 29.03.2016. The petitioner also sought a direction to the bank to consider his applications for a One Time Settlement (OTS) of his loan account.

By order dated 28.03.2016, this Court directed the bank not to confirm the sale, if any, subject to the petitioner depositing a sum of Rs.4,00,000/-. The bank was also directed to consider and pass appropriate orders on the representation of the petitioner seeking a OTS. It is reported that this amount has been paid, albeit belatedly. Sri Maruthi Jadav, learned counsel representing Sri B.S.Prasad, learned standing counsel for the State Bank of India, would however point out that the petitioner failed to pay any amount thereafter.

It is now stated by Sri Maruthi Jadav, learned counsel, that the auction sale proposed to be held on 29.03.2016 did not materialise for want of bidders.

That being so, the challenge to the e-auction sale notice is rendered purely academic and does not warrant consideration on merits.

As regards the latter part of the prayer with regard to consideration of the petitioner's representations for a OTS, Sri Maruthi Jadav, learned counsel, would point out that under letter dated 14.03.2016, the request of the petitioner for a OTS by receiving a sum of Rs.10,00,000/- was not accepted. Learned counsel would point out that

the petitioner himself signed this letter in evidence of his having received it but chose to suppress this fact while filing this writ petition on 16.03.2016.

Sri E.V.V.S.Ravi Kumar, learned counsel for the petitioner, would however point out that though the letter of the bank is dated 14.03.2016, there is no indication as to when the petitioner signed in proof of receiving it. He further stated that his client instructed him to inform this Court that he never received this communication dated 14.03.2016.

In any event as the petitioner's request for a OTS had already been turned down by the bank, we are not inclined to go into the question as to whether the petitioner is guilty of suppression of material facts.

The writ petition is accordingly dismissed leaving it open to the petitioner to seek appropriate remedies in accordance with law as and when a fresh cause of action arises.

Interim order dated 28.03.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

ANI S, J

Date:28.06.2017

GJ