

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

WRIT PETITION NO.5094 OF 2014

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the sale notice dated 09.01.2014 issued by the State Bank of India, published in newspapers on 11.01.2014, proposing to hold the auction sale of the secured asset on 03.03.2014.

By order dated 21.02.2014, this Court granted interim stay of the proposed auction subject to the condition that the petitioner deposits a sum of Rs.40,00,000/- with the State Bank of India on or before 03.04.2014, failing which the interim order stood vacated and the bank was given liberty to proceed in accordance with law. Again, on 17.04.2014, this Court took note of the submission that the petitioner had deposited a sum of Rs.20,00,000/- with the bank and granted time up to 02.06.2014 to deposit the balance sum of Rs.20,00,000/-. Further extension was granted on 05.06.2014 up to 12.06.2014.

It is stated by Sri C.S.Chakravarthy, learned counsel for the State Bank of India, that the petitioner failed to deposit the balance amount of Rs.20,00,000/- till date. He would further state that the petitioner approached the Debts Recovery Tribunal, Visakhapatnam, in June, 2014 by way of S.A.No.136 of 2014 which is still pending consideration.

As the petitioner has already invoked the statutory remedy available to it under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

(SARFAESI Act), we are of the opinion that this writ petition does not warrant consideration on merits. In any event, the impugned auction sale notice dated 09.01.2014, published in newspapers on 11.01.2014, has become ineffective as it would not be open to the State Bank of India to act upon the same at this stage. The challenge to the sale notice is therefore rendered purely academic. That apart, the dues of the bank as per the said sale notice stood at Rs.7,12,73,998/- as on 30.09.2013 along with interest from 01.10.2013. That being so, remittance of a paltry sum of Rs.20,00,000/- by the petitioner in part compliance with the interim order of this Court does not warrant further indulgence being shown to it.

The writ petition is accordingly dismissed. Interim order dated 21.02.2014 shall stand vacated. The petitioner is at liberty to pursue the statutory remedy, already invoked, in accordance with law. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

14th JUNE, 2017

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