

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

WRIT PETITION No. 22800 of 2016

ORDER: (*per Hon'ble Sri Justice Sanjay Kumar*)

Challenge in this writ petition was to the e-auction sale notice dated 23.05.2016 issued by the Syndicate Bank proposing to hold the auction sale on 15.07.2016.

By interim order dated 13.07.2016, this Court permitted the Bank to proceed with the auction sale but directed that the same should not be confirmed. The Bank was however permitted to receive not more than 25% of the bid amount. The petitioner was directed to deposit 50% of the entire outstanding dues along with incidental expenses and interest on or before 30.07.2016 and the balance 50% of the outstanding dues along with interest and incidental expenses on or before 16.08.2016. The Bank was given liberty to proceed with the matter in accordance with law in the event the petitioner committed default in payment of either of the two instalments.

Sri Jithendar, learned counsel for the petitioner, would concede that the conditional order aforesaid was not complied with. He would further state that the auction sale held on 15.07.2016 did not materialise.

This being the factual position, we are of the opinion that the challenge in this writ petition is rendered purely academic, as the impugned e-auction sale notice dated 23.05.2016 came to naught.

The writ petition is accordingly dismissed on this short ground leaving all issues open. The petitioner is at liberty to avail appropriate remedies in accordance with law before the proper forum as and when a fresh cause of action arises.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 12.06.2017

JUSTICE GUDI SEVA SHYAM PRASAD

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