

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

WRIT PETITION NO.10712 OF 2016

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed by AMR India Ltd., the tenant in possession of the secured asset, assailing the action of Dewan Housing Finance Corporation Limited, the secured creditor, in taking physical possession of the said premises through an Advocate Commissioner by virtue of the order passed by the learned Chief Metropolitan Magistrate, Hyderabad, in CrI.M.P.No.259 of 2016.

Admittedly, the lease of the petitioner company expired in September, 2016. Though the petitioner company is stated to have complied with the interim order dated 01.04.2016, whereunder it had to deposit a sum of Rs.1.00 crore to the loan account and continue to deposit a sum of Rs.11,90,000/- every month, being the rent payable for the premises, we are of the opinion that in the absence of any material evidencing lawful extension of the lease in favour of the petitioner company, it is not entitled to further indulgence in this writ petition.

That apart, perusal of the affidavit filed in support of the writ petition discloses that no substantial ground has been raised to assail the measures initiated by Dewan Housing Finance Corporation Limited under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). The tone and tenor of the affidavit also is to the effect that the petitioner company is entitled to protect its possession till expiry of

its lease in September, 2016. That being so, we see no reason as to why the possession of the petitioner company should be protected.

The writ petition is accordingly dismissed. Interim order dated 01.04.2016 shall stand vacated. 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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