

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.12494 of 2015
AND
W.P.M.P.NO.24382 of 2016

COMMON ORDER: (per SK,J)

The prayer of the petitioners in this case reads as under:

'To issue a writ or order or direction more particularly in the nature of Writ of Certiorari to call for the records relating to the proceedings of Debts Recovery Tribunal Visakhapatnam in I.A.No.427/2014 in S.A.No. 82/2014 Dt.13.03.2015 and quash the same as arbitrary, illegal, capricious and violative of principle of natural Justice and against the provisions of the Security Interest (Enforcement) Rules, 2002 under SARFAESI Act and consequently direct the Respondent No.2 to issue NOC for sale of Item No.4 & 6 of Demand Notice dated 14.08.2013 under Private Treaty subject to payment of Rs.35.00 Lakhs for Item No.4 and Rs.65.00 Lakhs for Item No.6 by the prospective purchasers directly with Respondent No. 2 and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case and in the interest of justice.'

Issuance of the No Objection Certificate was sought in relation to the offer made by the petitioners to secure buyers for effecting sale of the secured assets by way of private treaty under Rule 8(5)(d) of the Security Interest (Enforcement) Rules, 2002 (for short, 'the Rules of 2002').

By order dated 22.06.2016, this Court took note of the fact that the bank had no objection for alienation of the secured assets through private treaty under Rule 8(5)(d) of the Rules of 2002. This Court also took note of the submission of Smt.V.Dyumani, learned counsel for the petitioners, that her clients would take the intending purchasers to the bank for

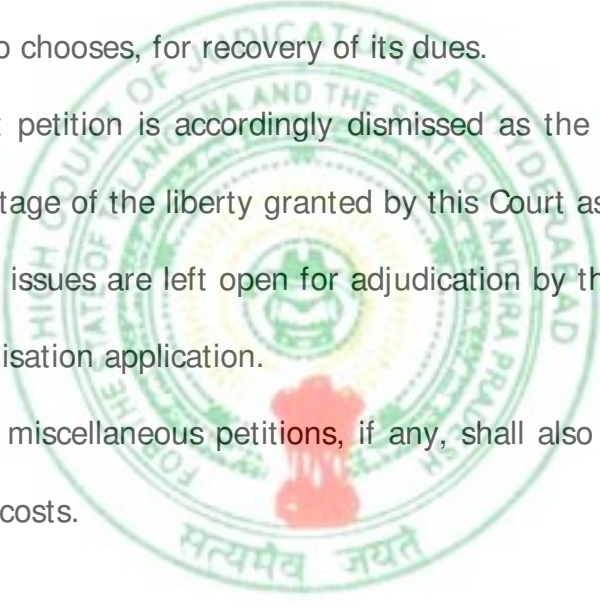
settlement of the terms of the sale through private treaty and directed the bank not to take coercive steps pending further orders.

We are now informed that sale by private treaty did not materialise, be it for whatever reason.

In that view of the matter, as the order dated 22.06.2016 could not attain the desired result, we are of the opinion that the injunction against the bank from taking further steps in accordance with the due procedure cannot be permitted to subsist. W.P.M.P.No.24382 of 2016 is dismissed. The bank is accordingly granted liberty to take further steps in accordance with law, if it so chooses, for recovery of its dues.

The writ petition is accordingly dismissed as the petitioners could not take advantage of the liberty granted by this Court as long back as on 22.06.2016. All issues are left open for adjudication by the Tribunal in the pending securitisation application.

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


SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:11.06.2018

Note: office is directed to immediately return the original records pertaining to the securitisation application to the Debts Recovery Tribunal, Vizag.

(B/o) PGS