

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8818 OF 2018

Between:

M/ s.Kridhya Infra Limited,
(formerly known as M/ s.Shaili Infra Limited)
Rep.by its Managing Director, Mr.V.Kiran Reddy,
S/o.Balakoti Reddy, having registered office
at Flat No.1003, MCH No.6-3-787, Royal Pavilion,
Ameerpet, Hyderabad.

...Petitioner

Vs.

State Bank of India, Rep. by the Chief Manager,
H.No.3-4-1013/ A, 1st Floor, Community Amenity Centre,
TSRTC Bus Station, Kachiguda, Hyderabad, and others.

.. Respondents

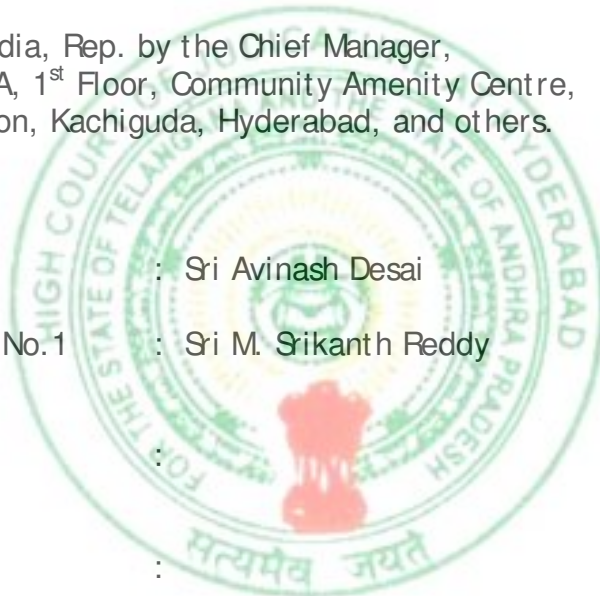
For Petitioner : Sri Avinash Desai

For Respondent No.1 : Sri M. Srikanth Reddy

Gist :

Head Note :

Cases Referred : Nil



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HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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ORDER: (per V. Ramasubramanian, J)

Aggrieved by an E- Auction Sale Notice issued on 24.01.2018, fixing the date of E-Auction as 07.03.2018, the borrower has come up with the above writ petition which was filed on 15.03.2018.

2. Heard Mr.Avinash Desai, learned counsel for the petitioner. Mr. M. Srikanth Reddy, learned Standing Counsel takes notice for the 1st respondent Bank.

3. The main objections of the petitioner to the impugned E-Auction notice are two fold, namely, (a) that in terms of Rule 8 (6) of the Security Interest (Enforcement) Rules, 2002, the amount due to enable the borrower to redeem with mortgage was not mentioned, and (b) that the statutory period of (30) days is not provided, as per the amended provisions.

4. But, both these grounds can be taken by the petitioner very well before the Debts Recovery Tribunal itself. In fact, on the question of availability of the alternative remedy, the Supreme Court made it clear in Authorized Officer, State Bank of Travancore vs. Mathew K.C. (Civil Appeal No.1281 of 2018), dated 30.01.2018, that this Court should be loath to invoke the jurisdiction under Article 226 of the Constitution of India when an effective alternative remedy is available. Therefore, leaving it open to the petitioner to go before the Tribunal, the writ petition is dismissed.

5. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

March 22, 2018
KTL