

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.9208 OF 2018

Between:

M/ s. Sheetal Breeding Farm Pvt. Ltd.,
Rep. by its Managing Director
Mr. Nimma Narasimha Reddy,
J Block, Flat No.502, NCC Urban
Nagarjuna Residency, Janardhana Hills,
Gachibowli, Opp: Euro School, Hyderabad and others

...Petitioners

Vs.

Andhra Bank, Rep. by its General Manager,
Head Office, Koti, Hyderabad and others.

.. Respondents

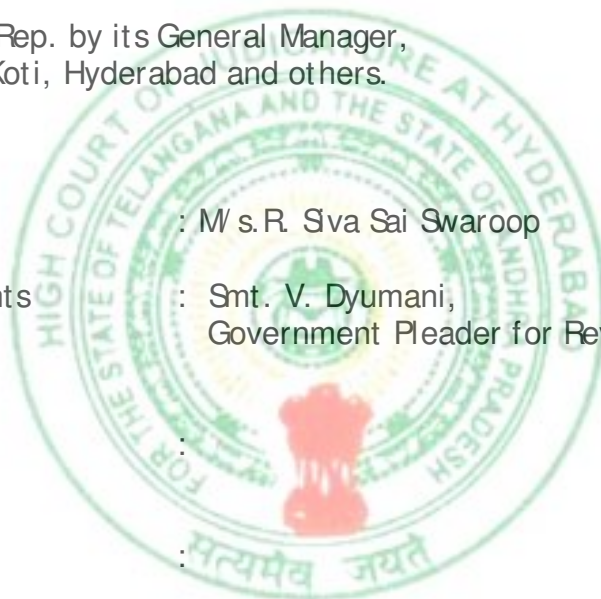
For Petitioner : M/ s. R. Sva Sai Swaroop

For Respondents : Smt. V. Dyumani,
Government Pleader for Revenue

Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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ORDER: (per V. Ramasubramanian, J)

Contending that the whole auction conducted by the Bank stood vitiated by the Bank accepting the payment of balance of 75% of the highest bid amount beyond the period stipulated in the auction notice, the borrowers have come up with the above writ petition in a last bid attempt to save the property.

2. Heard Mr.R.Sva Sai Swaroop, learned counsel for the petitioners. Smt. V. Dyumani, learned Standing Counsel takes notice for the Bank.

3. Admittedly, the auction notice dated 17.06.2017 was challenged by the petitioners in W.P. No.20457 of 2017. Pending writ petition, the petitioners also sought interim stay of further proceedings in WP MP No.25054 of 2017. By an order dated 28.06.2017, a Bench of this Court granted interim stay of further proceedings.

4. Eventually, the writ petition was dismissed by a final order dated 20.02.2018. Therefore, the Bank appears to have sent a notice to the highest bidder after getting a copy of the final order passed by this Court and it is stated across the Bar that within fifteen days of receipt of the notice, the highest bidder made the payment.

5. A person, who sought stay of further proceedings pursuant to an E-auction notice, is not entitled to come and complain that the highest bidder should have paid the balance of bid amount within the time stipulated in the auction notice. At the most, he can contend that the amount should have been paid within the reasonable time after the

stay was vacated or final order was passed. In this case, the final order in the writ petition was passed on 20.02.2018. It is not known when the certified copy of the order was made ready. Even according to the petitioner, the balance bid amount was paid in March, 2018. The highest bidder in the auction is not to be blamed for what happened pursuant to the interim stay order passed by this Court upto the date of dismissal of the writ petition.

7. Therefore, the writ petition is devoid of merits and hence, it is dismissed.

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

March 22, 2018
KTL



V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J