

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

WRIT PETITION NO.9432 of 2018

ORDER: (per SK,J)

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

'It is therefore prayed that this Hon'ble Court may be pleased to issue Writ or Writs, Order or Orders more particularly one in the nature of writ of mandamus declaring the action of the Hon'ble Debt Recovery Tribunal-I, Hyderabad, passed in order dated 15.03.2018 in S.A.No. 65/2018 filed by the petitioners against the Respondents issued Sale Notice on 12.02.2018 and auction to be conducted on 28.03.2018 in respect of all that the building H.No.6-4-333 admeasuring 709 Sq. yds. Gandhi Nagar, Near Karimnagar Market, Karimnagar Municipality, Karim Nagar dist being illegal, arbitrary and violative of the principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

The docket order dated 15.03.2018 passed by the Debts Recovery Tribunal-I, Hyderabad, in S.A.No.65 of 2018, which is under challenge presently, was in relation to the auction sale proposed to be held on 28.03.2018 by Sundaram BNP Paribas Home Finance Limited.

By the said order, the Tribunal directed the finance company not to confirm the sale in favour of the highest bidder in the auction subject to the petitioners/applicants depositing 30% of the amount claimed in the auction notice. This amount was to be deposited in two equal instalments within the time frame stipulated. In the event of failure to comply with the said condition, the finance company was given liberty to confirm the sale in favour of the highest bidder.

By order dated 23.03.2018, this Court granted interim stay of confirmation of the auction subject to the petitioners paying 15% of the amount claimed in the auction notice on or before 13.04.2018 and

observed that in the event the payment was made within the said date, the request of the petitioners for grant of time up to 11.05.2018 for payment of the balance 15% would be considered. Thereafter, by order dated 02.05.2018, this Court restrained the finance company from taking physical possession of the secured asset till 14.05.2018 to see whether the petitioners would comply with the conditional order.

I.A.No.2 of 2018 was filed by the petitioners in this writ petition seeking extension of time to comply with the first part of the conditional order dated 23.03.2018. This I.A. was adjourned on 26.04.2018 observing that in the event the petitioners complied with the second part of the order within time, the application could be allowed.

It is now represented by Sri V.S.R.M.V.Prasad Sanaka, learned counsel for the petitioners, that the auction sale scheduled to be held on 28.03.2018 did not take place.

As the impugned docket order dated 15.03.2018 passed by the Tribunal was only in relation to the said auction sale, the conditions imposed by it for staying the confirmation of the said sale in favour of the highest bidder, if any, no longer need to be complied with.

It is further stated by Sri V.S.R.M.V.Prasad Sanaka, learned counsel, that the petitioners paid a sum of Rs.18,00,000/- pursuant to the order dated 23.03.2018 passed by this Court.

Be that as it may.

On the above analysis, this Court is of the opinion that the writ petition does not require to be adjudicated on merits as the impugned docket order dated 15.03.2018 passed by the Tribunal in S.A.No.65 of 2018 has worked itself out owing to the failure of the sale.

The writ petition is accordingly dismissed. Interim orders granted in this case shall stand vacated. It is made clear that we have not made any observations on the merits of the matter and all issues are left open.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:28.06.2018  
GJ

