

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 GUDISEVA SHYAM PRASAD

+ WRIT PETITION No.9801 of 2018

%Date: 18.04.2018

Between:

Ponugupala Krishna Prasad S/ o.P.Panjendraiah,
Aged : about 39 years, R/ o.Petturu village,
Chittoor District and another.

.. Petitioner

Vs.

\$ The Hon' ble Debts Recovery Tribunal –II
at Hyderabad, Abids, Hyderabad and others.

.. Respondents

! Counsel for petitioners : M/s.V.R. Reddy Kovvuri.

^ Counsel for respondents : Smt.V.Dyumani.

<GIST:

>HEAD NOTE:

? CASES REFERRED: ----

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.9801 of 2018

ORDER: (Per V.Ramasubramanian, J)

The petitioner has come up with the a challenge to a series of proceedings starting from the issue of certificate of recovery, the pendency of an application for setting aside the exparte decree and the demand notices and proclamation ordered by the recovery officer of the Debts Recovery Tribunal.

2. Heard Mr.V.R.Reddy Kovvuri, learned counsel for the petitioners and Smt.V.Dyumani, learned counsel for the respondents.

3. The last of the series of proceedings that provided the provocation for the petitioners to come up with the above writ petition is a notice issued by the Recovery Officer in Form No.17, fixing a date for drawing up the proclamation of sale. But, the Rules under the Second Schedule to the Income Tax Act provide alternative remedy of an application to the Recovery Officer and then an appeal to the Debts Recovery Tribunal as against these proceedings.

4. The main grievance of the petitioner is that an application to set aside the ex parte decree passed under the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (1993 Act), is still pending. But, the fact that it is still pending, is not a ground for the petitioners to by-pass the remedies available as against the Forms issued by the Recovery Officer pursuant to the certificate of recovery.

5. Therefore, leaving it open to the petitioners to work out their remedies under the Rules, the writ petition is dismissed.

6. Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

GUDISEVA SHYAM PRASAD, J

April 18, 2018
KTL