

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO.3958 OF 2016

ORDER: (per SK,J)

Smt.Kalla Tulasi Durgamba, learned counsel representing Sri M.M.M.Srinivasa Rao, learned counsel for the petitioner, would state that during the pendency of this writ petition filed assailing the action of the Bank of India and the Recovery Officer, Debts Recovery Tribunal, Visakhapatnam, in issuing notice dated 05.06.2013 proposing to forfeit the Earnest Money Deposit (EMD) of the petitioner, the Recovery Officer-I, Debts Recovery Tribunal, Visakhapatnam, passed final order dated 16.01.2014 enforcing forfeiture of the EMD amount but the said order was communicated to the petitioner only on 21.02.2018. She would state that this final order is appellable under the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short, 'the RDDB Act'), and would seek leave to withdraw this writ petition reserving liberty to the petitioner to avail the said statutory remedy.

Recording the aforestated submissions, the writ petition is dismissed as withdrawn granting liberty to the petitioner to avail the appellate remedy under the RDDB Act as against the order dated 16.01.2014 passed by the Recovery Officer-I, Debts Recovery Tribunal, Visakhapatnam, in accordance with law.

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

No order as to costs.

SANJAY KUMAR,J

Date:07.03.2018

D.V.S.S.SOMAYAJULU,J

GJ

