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

WRIT PETITION NO.12390 of 2018

ORDER: (per SK,J)

The petitioner is a guarantor for the loan facilities availed by respondents 4 and 5 from the IDBI Bank Limited, respondents 2 and 3 herein. By way of this writ petition, she seeks to challenge the auction sale held by the bank on 10.04.2018 pursuant to the e-auction sale notice dated 17.03.2018, in so far as it pertains to the residential site admeasuring Acs.2.00 cents in R.S.No.121 part, Bogaram Village, Keesara Mandal, Ranga Reddy District. Consequential direction is sought to the bank to set aside the said sale and not to dispossess her from the subject residential property.

By order dated 18.04.2018, this Court took note of the promise made by the petitioner that she would discharge the entire loan within three months and granted interim stay of all further proceedings in relation to the petitioner's house property. The bank was given liberty to proceed against the properties of the borrowers, respondents 4 and 5. Again on 19.06.2018, Sri Sree Vyas, learned counsel representing Sri Rambabu Koppineedi, learned counsel for the petitioner, stated before this Court that the entire outstanding dues would be cleared within a week from that date. The matter was adjourned to 29.06.2018 for reporting compliance. However, on 29.06.2018, the matter was posted on 06.07.2018 finally for reporting compliance.

On 09.07.2018, when the matter was taken up under the caption 'For Orders', Sri Rambabu Koppineedi, learned counsel, informed this Court that the petitioner was in the process of selling some agricultural properties and that the sale would be concluded on 16.07.2018. He further sated that upon such sale, the entire outstanding dues of the bank would be cleared. The matter was accordingly adjourned to 18.07.2018 for reporting compliance.

Today, Sri Rambabu Koppineedi, learned counsel, would inform this Court that the sale did not go through and the petitioner has still not paid the amounts as promised by her.

We are of the opinion that sufficient indulgence has been shown to the petitioner in terms of allowing her adequate time to pay the entire outstanding dues. The petitioner failed to do the needful despite her promise to this Court.

In so far as the merits of the matter are concerned, it may be noted that the impugned auction sale was held on 10.04.2018 pursuant to the auction sale notice published under Rule 9(1) of the Security Interest (Enforcement) Rules, 2002 (for short, 'the Rules of 2002'), on 17.03.2018. In the light of the amendment of Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 *vide* Act No.44 of 2016 with effect from 01.09.2016, the right of redemption available to a borrower thereunder stands extinguished upon publication of the sale notice under Rule 9(1) of the Rules of 2002. Therefore, the petitioner no longer has the right to redeem her property as on date.

Sri C.Prabhakar, learned counsel for the respondent bank, would inform this Court that the auction sale was held successfully on 10.04.2018 but owing to the stay order granted by this Court, the sale proceedings were stalled.

On the above analysis, this Court finds that even on merits, the petitioner has no case.

The writ petition is devoid of merit and is accordingly dismissed. Interim order dated 18.04.2018 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR,J

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T.AMARNATH GOUD,J

Date:18.07.2018

GJ