

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF  
ANDHRA PRADESH**

**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HONOURABLE SRI JUSTICE P. KESHA RAO**

**Writ Petition No.40159 of 2018**

**Between:**

Ganta Lakshmi Prasad, S/o Ratna Prasad,  
47 years, R/o H.No.10-313/1, Tarakram Nagar,  
Appari Street, Amalpuram, E.G. District.

... Petitioner

Vs.

Union of India, represented by its Principal  
Secretary, Finance Department, New Delhi  
and 2 others

... Respondents

Counsel for Petitioner : Mr. T.V.S. Prabhakara Rao

Counsel for Respondents 1&2: Mrs. V. Dyumani, S.C. for  
Bank of India

**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN**

**AND**

**HONOURABLE SRI JUSTICE P. KESHAVARAO**

**Writ Petition No.40159 of 2018**

**Order:** (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition, challenging an auction conducted under the Securitisation Act, 2002.

2. Heard Mr. T.V.S. Prabhakara Rao, learned counsel for the petitioner and Smt. V. Dyumani, learned standing counsel for the respondent-bank.

3. On 08-11-2018, when the writ petition came up for admission, this Court passed the following order:

*"Smt. V. Dyumani, learned standing counsel, takes notice for the respondents 2 and 3/Bank. She is directed to get instructions on the proposal now made by the petitioner to make payment of half of the dues within 15 days and the remaining amount within a further period of four weeks.*

*If the auction held on 03-11-2018 has not been confirmed so far, let it await further orders."*

4. On 13-12-2018, this Court passed another order, which reads as follows:

*"It appears that this Court passed an order dated 08-11-2018 directing the bank not to confirm the auction held on 03-11-2018, if it had not already been confirmed. The Bank appears to have understood the same only to mean a restriction with respect to the confirmation of sale, but not the issue of the sale certificate. That interpretation does not appeal to us.*

*Anyway, the petitioner should also prove his bonafides. Even as per the sale notice dated 26-09-2018, the amount due as on 30-09-2017 was Rs.24,39,518/-. Therefore, there will be an interim stay of all further proceedings pursuant to auction, subject to the condition that the petitioner deposits a sum of Rs.15.00 lakhs within a period of one week from the date of receipt of a copy of this order."*

5. Today, it is reported that the petitioner could not comply with the conditional order passed on 13-12-2018. On account of failure of the petitioner to comply with the conditional order, the bank appears to have issued a sale certificate. Therefore, leaving it open to the petitioner to take recourse to the remedies available under the Securitisation Act, 2002, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

**V.RAMASUBRAMANIAN, J**

**P. KESHA RAO, J**

Date: 27-12-2018

Ksn

