

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ Writ Petition No.42001 of 2018

% Date: 22-11-2018

M/s. Kanakadurga Amusements and Resorts Pvt. Ltd.,
7th Floor, Raghava North Block, Raghava Ratna Towers,
Chirag Ali Lane, Abids, Hyderabad,
Rep. by its Authorised Signatory, T.Vara Prasad,
S/o T.R.L. Sastry, Aged 58 years, R/o Hyderabad
... Petitioner

Vs.

\$ Canara Bank, Industrial Finance Branch,
Near Old MLA Quarters, Hyderguda,
Hyderabad-500 029, Rep. by its Authorised Officer
... Respondent

! Counsel for Petitioner: Mr. R.Raghunandan Rao,
Senior Counsel, representing
Mr. V.V. Ramana

Counsel for Respondent: Mr. Dishit Bhattacharjee,
Standing Counsel

< Gist:

> Head Note:

? Cases referred:
Nil.

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Order: (per V.Ramasubramanian, J.)

Challenging an auction sale notice, the guarantor has come up with the above writ petition.

2. Heard Mr. R.Raghunandan Rao, learned Senior Counsel appearing for the petitioner. Mr. Dishit Bhattacharjee, learned Standing Counsel, takes notice for the respondent/Bank.

3. The impugned notice issued under Rule 8(6) of the Securitisation Act, 2002, is challenged on the grounds, *inter alia* – (i) that the description of property shows as though it is a vacant plot, though there is a residential house therein, (ii) that as per the amendment introduced to Rule 8(7), by the Notification dated 17-10-2018, every notice of sale should also be posted on the website of the secured creditor, but the same was not done, (iii) that despite a course correction directed by this Court, the period of 30 days as required between the notice under Rule 8(6) and the notice under Rule 9(1) was not maintained and (iv) that a notice in the vernacular language was also not published.

4. But all the above contentions are contentions that can well be raised before the Debts Recovery Tribunal. The first attempt made by the Bank failed, when the same was interdicted by a writ petition in W.P.No.21559 of 2018.

Therefore, we are of the considered view that the petitioner can as well raise all these objections before the Debts Recovery Tribunal, especially in the light of the fact that the amounts due is stated in the notice to be over Rs.45 Crores.

5. With the above liberty, the writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

22nd November, 2018.
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Writ Petition No.42001 of 2018
(per VRS, J.)



22nd November, 2018.
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