

***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 MS.JUSTICE J. UMA DEVI

+ WRIT PETITION No.43649 OF 2018

% Date:03.12.2018

Between:

M/s. Chelimella Modern Rice Mill,
Noonepalli Village, Nandyal Mandal,
Kurnool District, Rep. by its Partner
Chelimella Suresh

... Petitioner

v.

\$ The Union of India, Rep. by its Secretary,
Minister of Finance, New Delhi and others.

.. Respondents

! For Petitioner

: Mr. L. Ravi Chander,
Senior Advocate for
Ms. Vanga Anita

^ For Respondents

: Mr. M. Srikanth Reddy
Mr. K. Lakshman

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> Head Note

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? Cases Referred

: Nil

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HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.43649 OF 2018

ORDER: *(Per V. Ramasubramanian, J)*

Challenging the issue and registration of a sale certificate by the Authorized officer of the bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Securitisation Act'), the borrower has come up with the above writ petition.

2. Heard Mr. L. Ravi Chander, learned Senior Counsel appearing for the petitioner. Mr. M. Srikanth Reddy, learned Standing Counsel for the Bank takes notice.

3. It appears that the appeal filed by the petitioner in SA No.71 of 2018 under Section 17 of the Securitisation Act, 2002, is now pending adjudication before the Tribunal. As a matter of fact, the petitioner has also moved an application in IA No.5526 of 2018 for stay of all further proceedings pursuant to the auction conducted on 03.11.2018.

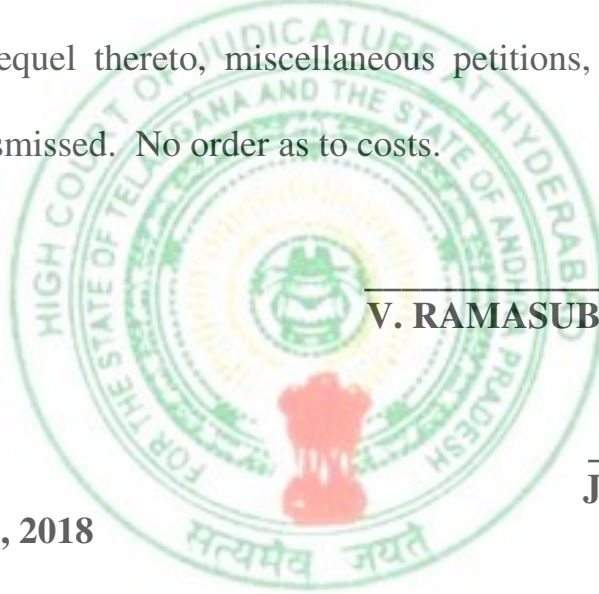
4. But, before the Tribunal could take up his application for grant of stay, the Bank has already sold the property, issued the sale certificate and also got it registered. An attempt made by the petitioner to advance the hearing, also failed before the Tribunal.

5. Once it is seen that an appeal under Section 17 of the Securitisation Act, challenging the auction notice is pending before

the Tribunal, the prayer for setting aside the issue and registration of the sale certificate should be made only before the Tribunal. The question of seeking to set aside the sale certificate in a writ petition under Article 226 of the Constitution of India, when the main appeal arising out of the measures taken under Section 13 (4) of the Securitisation Act are pending before the Tribunal, does not arise.

6. Hence, leaving it open to the petitioner to raise all the contentions, relating to the manner in which the sale certificate was issued and registered, the writ petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

December 03, 2018

KTL