

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHAHA RAO**

WRIT PETITION No.40606 OF 2017

ORDER

(Per Justice Sanjay Kumar)

The Vijaya Bank, Asset Recovery Management Branch, Hyderabad, seeks a writ of Mandamus directing the Debts Recovery Tribunal, Hyderabad, to dispose of S.A.No.539 of 2016 pending on its file, as expeditiously as possible.

As the petitioner bank does not seek any adjudication on merits, we are of the opinion that the writ petition can be disposed of without putting the respondents on notice or giving them an opportunity of hearing.

S.A.No.539 of 2016 was filed by the second respondent herein against the petitioner bank and the third respondent. Perusal of the docket orders passed by the Debts Recovery Tribunal, Hyderabad, in this S.A. reflects that the matter underwent seven adjournments within a span of six months from June, 2017 upto December, 2017.

We are informed by Sri V.V.Ramana, learned counsel representing Sri E.Madan Mohan Rao, learned counsel for the petitioner bank, that the S.A. was thereafter dismissed for non-prosecution on 03.01.2018 but was restored upon the application of the second respondent.

In the light of the mandate of Section 17(5) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'), the Tribunal has to endeavour to dispose the

Securitisation Application within sixty days and if it fails to do so, it necessarily has to record reasons for extending the period. The total period of pendency of such application, as per this provision, cannot exceed four months from the date of making of the application.

The Tribunal shall therefore endeavour to abide by this statutory mandate and dispose of the subject Securitisation Application expeditiously and preferably within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

P.KESHAVA RAO, J

14TH FEBRUARY, 2018
PGS