

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION No.42146 OF 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the possession notice dated 05.12.2017 issued by the Bank of India under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, read with Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

Sri B.Thimothi, learned counsel for the petitioner firm, contended that there was delay in disbursement of the second instalment of the loan amount owing to which the project could not be completed within time and that his client is willing to regularise the loan account by paying the outstanding dues.

However, Sri S.Pavan Nandan, learned counsel for the Bank of India, relying upon the counter-affidavit filed by it through its Chief Manager at Hyderabad, would state that the first instalment of the loan to the tune of Rs.15.00 lakh was disbursed by the bank on 31.12.2015 and the petitioner firm was required to start repayment thereof within six months therefrom. The second instalment of the loan was to be released only after completion of the civil works. However, the petitioner firm failed to complete the civil works and did not start repayment of the first instalment as agreed. The petitioner firm sought postponement of the repayment schedule from August, 2016 to April, 2017 and the same was also accepted by the bank during its review meeting held on 23.12.2016. However, despite being given ample time, the petitioner firm neither

completed the civil works nor started repayment of the first instalment of the loan.

Though the petitioner firm filed a reply-affidavit stating to the effect that the civil works were completed by it, the same is significantly silent as to the date of completion of such works.

Once the petitioner firm availed loan facilities from the bank, it was bound to adhere to the time frames fixed, be it for completion of the project or for repayment. It is manifest from the aforestated facts that the petitioner firm failed to abide by either of these requirements. Further, Sri B.Thimothi, learned counsel, is unable to point out any illegality or irregularity in the issuance of the impugned possession notice by the bank.

On the aforestated analysis, this Court finds no grounds to interfere in the matter.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

D.V.S.S.SOMAYAJULU,J

Date: 12.03.2018
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