

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

WRIT PETITION No.41951 OF 2017

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

Though the matter appears under the caption 'For Dismissal' owing to lack of representation on behalf of the petitioner on 06.02.2018, Ms.Priyanka, learned counsel representing Mr.Amancharla Satish Babu, learned counsel for the petitioner, would seek time to get instructions.

We are not inclined to adjourn the matter at this stage.

The prayer of the petitioner in this case reads as under:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Bank in not receiving the amount for release of Item No.1 of E-Auction Sale Notice dated 08-11-2017 as bad, arbitrary and in violation of Articles 14, 19 and 21 of Constitution of India and all Canons of Law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

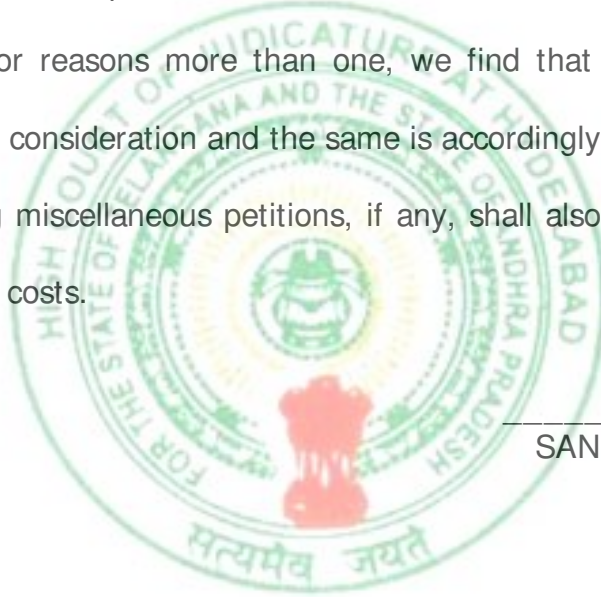
When asked as to what happened on 11.12.2017, being the date on which the auction sale was scheduled to be held pursuant to the e-auction notice dated 08.11.2017, Ms.Priyanka, learned counsel, would state that she has no information.

As there is no representation for the respondent bank also, despite the fact that Mrs.Siva Kumari, learned counsel, took notice on its behalf on 11.12.2017 and waived further notice, no information is furnished by either side as to the status of the sale scheduled to be held on 11.12.2017.

Further, in terms of the prayer of the petitioner, we notice that he wished to redeem Item No.1 property in the impugned e-auction notice dated 08.11.2017. However, in terms of the amended provisions of Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the right of redemption vesting in the borrower ceases to be operative upon publication of the auction sale notice. Therefore, the petitioner would have no manner of right to insist upon the respondent bank receiving the amount offered by him for releasing Item No.1 property in the e-auction notice dated 08.11.2017, once it is published.

Thus, for reasons more than one, we find that this writ petition does not merit consideration and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.



SANJAY KUMAR,J

P. KESHA RAO,J

Date: 14.02.2018
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