HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
HONOURABLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.2504 of 2019

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

This Writ Petition was filed assailing the order dated 31.01.2019 passed by the Debts Recovery Tribunal-I, Hyderabad (for short 'the Tribunal'), in I.A.No.3563 of 2018 in Securitization Application No.247 of 2018.

2. By the said order, the Tribunal required the petitioner herein, the applicant in S.A.No.247 of 2018, to deposit 30% of the outstanding dues as set out in the auction sale notice dated 06.11.2018 issued by Canara Bank in two instalments as a condition precedent for staying further proceedings, including taking of physical possession and confirmation of the sale in respect of the securitization application schedule premises.

3. In terms of the said order, the first instalment of 15% was to be deposited within one week from the date of the order and the second instalment of 15% within two weeks thereafter. Aggrieved by the conditions imposed, the applicant in S.A.No.247 of 2018 came before this Court.

4. By order dated 08.02.2019, this Court adjourned the matter to 12.02.2019 to enable Sri B.N.Swamiji, learned counsel for the respondent Bank, to get instructions in the matter and directed that the auction should not be confirmed till that date. On 13.02.2019, the said interim order was extended till 18.02.2019. There was no extension thereafter though the matter was listed again on 18.02.2019 and 28.06.2019.

5. While so, Sri B.N.Swamiji, learned counsel for the respondent Bank, would inform this Court that as the petitioner failed to comply with the conditional order dated 31.01.2019 passed by the Tribunal requiring her to deposit 30% of the total outstanding dues as mentioned in the auction sale notice, the respondent Bank proceeded with the auction sale and confirmed the auction in favour of the highest bidder.

6. Be it noted that the successful auction purchaser has not been impleaded in this Writ Petition and in any event, this Court would not go into the validity of the said auction sale when the scope of this Writ Petition is limited to the order dated 31.01.2019 passed by the Tribunal in I.A.No.3563 of 2018 in Securitization Application No.247 of 2018.

7. In the light of the above development, this Court finds no grounds to entertain this Writ Petition for adjudication on merits. It is for the petitioner to pursue the pending Securitization Application or file a fresh one, in the event she chooses to do so, in the context of the later development.

8. The Writ Petition is accordingly dismissed subject to the above observation.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE P.KESHAVA RAO

15th July, 2019
dr