HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.8897 OF 2019

ORDER: *(Per Hon'ble Sri Justice V. Ramasubramanian)*

The borrowers, whose properties have been brought to sale by the respondents bank and who are now facing the threat of dispossession, have come up with the above writ petition seeking mutually contradictory reliefs. What is challenged in the writ petition is a conditional order passed by the Debts Recovery Tribunal for the grant of stay of dispossession. But, even while challenging the conditional order, the petitioners seek extension of time to comply with the conditional order. Thus, the reliefs sought are mutually conflicting.

2. Heard Mr. V.V. Ramana, learned counsel for the petitioners and Mr. Deepak Bhattacharjee, learned counsel for the respondents.

3. By a sale notice dated 25.02.2019, the Authorized Officer of the bank brought the secured assets to sale. In the sale conducted on 30.03.2019, only one bidder participated and offered a sum of Rs.51.80 lakhs.

4. In the meantime, the Authorized Officer also obtained orders under Section 14 of the Securitization and Reconstruction of Financial Assets and enforcement of Security Interest Act, 2002 (for short 'the Securitization Act') from the Court of the Chief Metropolitan Magistrate, Cyberabad. Therefore, the petitioners moved an appeal in S.A. No.142 of 2019, before the Debts Recovery Tribunal along with an

application in I.A. No.1811 of 2019 for stay of further proceedings including dispossession.

5. By an order dated 16.04.2019, the Tribunal granted stay on condition that the petitioners deposit a sum of Rs.25.00 lakhs within one week and another sum of Rs.26.80 lakhs within two (2) weeks. In all the petitioners were required to deposit Rs.51.80 lakhs, which is the amount offered by the highest bidder.

6. It is seen from the last paragraph of the order of the Debts Recovery Tribunal that the Tribunal was convinced to pass a conditional order on the basis of the readiness expressed by the petitioners to deposit the bid amount. The Tribunal has recorded the readiness on the part of the petitioners to deposit the bid amount. Therefore, there cannot be any challenge to the conditional order of stay passed by the Tribunal.

7. If what the petitioners want is only an extension of time to comply with the conditional order, they should have filed an application before the Tribunal itself for extension of time. After agreeing to deposit an amount and without seeking any extension of time before the Tribunal, the petitioners cannot come up with a challenge to the conditional order along with a prayer to extend the time to comply with the conditional order.

8. In fact, the petitioners were late in approaching the Tribunal. Auction was held on 30.03.2019. The notice issued by the Advocate Commissioner was dated 04.04.2019. So obviously, the order under Section 14 of the Securitization Act was passed much earlier. But, the petitioners moved the Tribunal only on 12.04.2019.

9. It is stated by the learned counsel for the Bank that a sale certificate was already issued on 15.04.2019. The interim order passed by the Tribunal is dated 16.04.2019. Therefore, events have overtaken the order of the Tribunal. In such circumstances, we are not inclined to interfere with the impugned order of the Tribunal.

10. Hence, the Writ Petition is dismissed. It is open to the petitioners to implead the highest bidder as a party to the appeal pending before the Tribunal and take the appeal to its logical end.

The miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHAVA RAO, J

April 25, 2019
KTL