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

WRIT PETITION NO.10732 OF 2019

ORDER: (per SK,J)

The petitioner filed Securitisation Application No.94 of 2019 before the Debts Recovery Tribunal-II, Hyderabad. Therein, he filed I.A.No.2441 of 2019 seeking stay of all further proceedings pursuant to the e-auction sale notice dated 08.05.2019 whereby the date of auction was fixed as 30.05.2019. By order dated 29.05.2019, the Tribunal permitted the State Bank of India, the respondent, to proceed with the sale of the secured assets, as proposed, on 30.05.2019 but directed it not to register the sale certificate in favour of the successful bidder. This order was however made subject to the condition that the petitioner would deposit 50% of the amount, *viz.*, Rs.1,00,00,000/- in two instalments – the first instalment of Rs.50,00,000/- to be paid within ten days from the date of the order and the second instalment of Rs.50,00,000/- within two weeks thereafter. Failure to comply with either of these conditions entitled the bank to register the sale certificate in favour of the successful bidder, subject to the outcome of the SA.

2. Aggrieved by the condition imposed and the time frame fixed by the Tribunal for making the payments, the present writ petition was filed. By order dated 06.06.2019, this Court took note of the fact that the auction had materialised as the bank received a suitable bid. This Court also took note of the fact that the petitioner had failed to comply with the earlier conditional order and found that no fault had been committed by the Tribunal in increasing the deposit amount from 30% to 50%. The Division Bench however opined that one concession could be granted to the petitioner, i.e., to enlarge the time to make payments as directed by the Tribunal. The petitioner was accordingly granted time up to 17.06.2019 to pay the first instalment and in the event he failed to do so, the bank was given liberty to receive the balance sale

consideration from the highest bidder and issue a sale certificate. The matter was directed to be listed on 18.06.2019 for reporting compliance.

3. On 18.06.2019, this Court was informed that the petitioner had paid the first instalment as directed. Time was accordingly granted up to 31.07.2019 to enable the petitioner to make the payment of the second instalment. In the event the petitioner failed to do so, the bank was given liberty to confirm the auction and receive the balance amount so that it could confirm the sale in favour of the auction purchaser. The matter was directed to be listed on 01.08.2019 for reporting compliance.

4. Today, we are informed by Ms.P.Hamsa Durga, learned counsel for the petitioner, and Mr.Umesh Singh, learned counsel representing Mr.M.Srikanth Reddy, learned counsel for the State Bank of India, that the petitioner has paid the second instalment within time.

5. In that view of the matter, the order dated 29.05.2019 passed by the Tribunal in I.A.No.2441 of 2019 in S.A.No.94 of 2019 stands fully complied with. It is for the petitioner, the bank and the auction purchaser, if impleaded therein, to address all the issues in the pending securitisation application. We do not consider it appropriate to go into the merits of the matter when the Tribunal is yet to deal with such merits on their own strengths.

6. The writ petition is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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SANJAY KUMAR,J

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P.KESHAVA RAO,J

Date:01.08.2019

GJ/PGS