

THE HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.10083 OF 2018

Date: 20.03.2019

Between:

Bhadri Impex Pvt. Ltd.,
Anand Nagar Colony, Khairatabad,
Hyderabad

... Petitioner

v.

Syndicate Bank, Banjara Hills,
Hyderabad and another.

... Respondents

For Petitioner : M/s.Dr. K. Lakshmi Narasimha

For Respondents : Sri A. Krishnam Raju

Gist :

Head Note :

Cases Referred : Nil

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.10083 OF 2018

ORDER: *(Per V. Ramasubramanian, J)*

The petitioner, who is a borrower, has come up with the above writ petition seeking (1) to set aside an auction sale notice and (2) to direct the Bank to consider the OTS proposals.

2. Heard Dr. K. Lakshmi Narasimha, learned counsel for the petitioner and Mr. A. Krishnam Raju, learned counsel for the Respondentss.

3. The first prayer made by the petitioner in the above writ petition is to set aside an auction sale notice dated 16.02.2018. Notice was ordered in the writ petition on 27.03.2018, but no interim orders were granted.

4. As a consequence, the Authorized Officer proceeded with the auction sale as scheduled on 09.03.2018.

5. Therefore, challenging the sale that took place on 09.03.2018, the petitioner filed an application in S.A. No.169 of 2018 on the file of the Debts Recovery Tribunal-II, Hyderabad. By a final order, dated 16.02.2019, the Tribunal allowed the application and set aside the auction sale held on 09.03.2018.

6. In view of the fact that the sale held on 09.03.2018 pursuant to the auction sale notice which is impugned in the writ petition has been set aside by the Tribunal, nothing survives for adjudication

insofar as the first prayer in the writ petition is concerned. Insofar as the second prayer is concerned, the Banks float OTS schemes year after year. Therefore, no direction can be issued in respect of the OTS of the year 2018 in the year 2019.

7. Hence, the Writ Petition is closed. The miscellaneous petitions, if any, pending shall stand closed. No costs.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

March 20, 2019

CTL



