

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

I.A.NO.2 OF 2019 IN WRIT PETITION NO.13048 OF 2019
AND
WRIT PETITION NO.13048 OF 2019

COMMON ORDER: (per SK,J)

Challenge in this writ petition is to the order dated 25.05.2019 passed by the District Magistrate, Jogulamba Gadwal District, in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

2. By order dated 27.06.2019, this Court took note of the offer made by Sri G.Madhusudhan Reddy, learned counsel for the petitioner, that if given sufficient time, 50% of the amount due would be tendered to the bank by way of a demand draft and directed *status quo* with regard to possession of the secured asset in question to be maintained till 01.07.2019. There was no extension thereafter. I.A.No.2 of 2019 was filed seeking extension of the said order.

3. Sri G.Madhusudhan Reddy, learned counsel, would point out that in terms of the letter dated 28.06.2019 issued by the respondent-State Bank of India, the total outstanding liability of the petitioner stood at Rs.17,27,508/- as on 28.06.2019 and during the month of July, 2019, a sum of Rs.9,00,000/- was deposited to the credit of the loan account by the petitioner. Learned counsel would state that given sufficient time, the petitioner would clear the balance outstanding dues also.

4. Sri M.Srikanth Reddy, learned counsel for the respondent-State Bank of India, would point out that as the outstanding dues have been

indicated as on 28.06.2019, the interest component would mount till the full repayment is effected.

5. As the petitioner has showed his *bone fides* to some extent by depositing a sum of Rs.9,00,000/- during July, 2019, we are inclined to give him one opportunity to do the needful to redeem his secured asset.

6. The writ petition is accordingly disposed of permitting the petitioner to deposit the total outstanding dues, including the interest component, costs and expenses, if any, by 5.00 PM on 05.09.2019. Till that date, the *status quo* order with regard to possession granted on 27.06.2019 shall continue. In the event the petitioner fails to make the payment by 05.09.2019, the bank is at liberty to take further steps in accordance with law, including the taking over of possession pursuant to the order secured under Section 14 of the SARFAESI Act. I.A.No.2 of 2019 is accordingly ordered. Other pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:05.08.2019

Note:

Furnish C.C. today.
(B/o) GJ/PGS