

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

WRIT PETITION No.14623 of 2019

ORDER:

The petitioners assail the notice of sale of secured assets issued by the H.D.B. Financial Services Limited, Hyderabad under Rule 8(5) and 9(1) of the Security Interest (Enforcement) Rules, 2002 and the further E-auction sale notice dated 14.06.2019 published in the newspapers on 15.06.2019 proposing to hold the auction of the secured assets on 22.07.2019.

2. Heard Sri V.V. Ramana, learned counsel for the petitioners and Sri P.S. Rajasekhar, learned counsel for H.D.B. Financial Services Limited, Hyderabad.

3. In the light of the amendments effected to the Rules of 2002 and more particularly, Rule 8(6) thereof, and the insertion of Appendix-IV-A, by way of the Notification in GSR 1040(E) dated 17.10.2018 issued by the Ministry of Finance, Government of India, which was published in the Gazette of India dated 18.10.2018, the impugned auction notice dated 15.06.2019 has to be set aside. Be it noted that in terms of the amended provision, the auction notice has to be issued and published in the format provided under Appendix-IV-A, but the impugned notice in the case on hand is not in accordance with the said format.

On this short ground, the writ petition is allowed setting aside the impugned auction notice dated 15.06.2019. This order shall

however not preclude H.D.B. Financial Services Limited, Hyderabad, from initiating fresh proceedings for sale of the secured assets in accordance with the due procedure. Pending miscellaneous petitions shall stand closed in the light of this final order. There shall be no order as to costs.

SANJAY KUMAR, J

P. KESHAVA RAO, J

July 18, 2019
DSK

