HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NOS.14908, 14910, 14911 AND 14912 OF 2019

C O M M O N O R D E R
(*Per Honourable Sri Justice M.S.Ramachandra Rao*)

In these four Writ Petitions, same point arises for consideration and therefore, these Writ Petitions are being disposed of by this common order.

2. The respondent Bank sanctioned warehouse receipt loans of Rs.17,00,000/- on 11.01.2016 to the petitioner in W.P.No.14908 of 2019; Rs.11,40,000/- to the petitioner in W.P.No.14910 of 2019 on 08.02.2016; Rs.11,35,340/- to the petitioner in W.P.No.14911 of 2019 on 19.01.2016; and Rs.15,00,000/- to the petitioner in W.P.No.14912 of 2019 on 05.02.2016. The petitioners paid some of the loan instalments and thereafter they could not pay the same.

3. Therefore, the respondent Bank filed O.A.No.16 of 2019, O.A.No.149 of 2019, O.A.No.17 of 2019 and O.A.No.150 of 2019 before the Debts Recovery Tribunal-II at Hyderabad for recovery of the loan amounts advanced to the petitioners invoking the provisions of Recovery of Debts and Bankruptcy Act, 1993.

4. In all these O.As., the respondent Bank filed I.A.No.2620 of 2019, I.A.No.2622 of 2019, I.A.No.2621 of 2019 and I.A.No.2625 of 2019 for appointment of an Advocate Commissioner to lift the stock of turmeric

available with each of the petitioners, to dispose of the same in open auction and to permit the respondent to appropriate the sale proceeds towards the outstanding dues. In the affidavit filed in support of each of these Applications, it is contended that the schedule property is perishable product of turmeric and it cannot be stored for a long time and needs to be disposed of and that the petitioners are trying to remove the stock from the cold storage by illegal means and sell the same to defeat the interest of the bank and its right to recover its dues.

5. The said Applications were allowed on 24.06.2019, 04.07.2019, 24.06.2019 and 10.06.2019 by the Debts Recovery Tribunal-II at Hyderabad and an Advocate Commissioner was appointed and he was directed to lift the stock, prepare inventory of the stock and to sell the same in public auction and deposit the sale proceeds to the credit of the respective O.As.

6. Challenging the same, these Writ Petitions have been filed.

7. This Court on 17.07.2019 in I.A.No.1 of 2019 in all these Writ Petitions granted interim stay of the said orders. Though more than four months have elapsed since then, the petitioners herein have not made any further payment of dues to the respondent. The only pleading of the petitioners in these Writ Petitions is that the price of turmeric is very low at the moment and if stock is sold, it would cause loss to the petitioners.

8. But the petitioners do not dispute that the stock of turmeric which is the security which the bank holds, is a perishable product and with passage of time, it may deteriorate in quality and would cause more prejudice to the petitioners as well as the respondent Bank.

9. In this view of the matter, all the Writ Petitions are dismissed. Interim orders of stay dt.17.07.2019 of the orders passed by the Debts Recovery Tribunal-II at Hyderabad dt.24.06.2019 in I.A.No.2620 of 2019 inO.A.No.16 of 2019, dt.04.07.2019 in I.A.No.2622 of 2019 in O.A.No.149 of 2019, dt.24.06.2019 in I.A.No.2621 of 2019 in O.A.No.17 of 2019 and dt.10.07.2019 in I.A.No.2625 of 2019 in O.A.No.150 of 2019 are vacated. No costs.

10. Pending miscellaneous, if any, shall also stand dismissed.

M.S.RAMACHANDRA RAO, J

K. LAKSHMAN, J

4th DECEMBER, 2019

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