

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

WRIT PETITION NO.16803 OF 2019

ORDER: (per SK,J)

The petitioners are arrayed amongst the respondents in O.A.No.173 of 2018 filed by six banks, led by State Bank of India, before the Debts Recovery Tribunal-I, Hyderabad. By docket order dated 18.07.2019, the Tribunal directed defendants 2 and 3 in the O.A., viz, petitioners 2 and 3 herein, to deposit or produce sufficient security to cover the O.A. claim of Rs.1806.26 crores within a time frame, failing which the Tribunal directed attachment of the petition schedule property. The applicant banks were directed to take out urgent notice to the said defendants by serving a copy of the order and to file proof of service by the next date of hearing. This order is subjected to challenge before this Court by way of the present writ petition mainly on the ground that the Tribunal lacked jurisdiction.

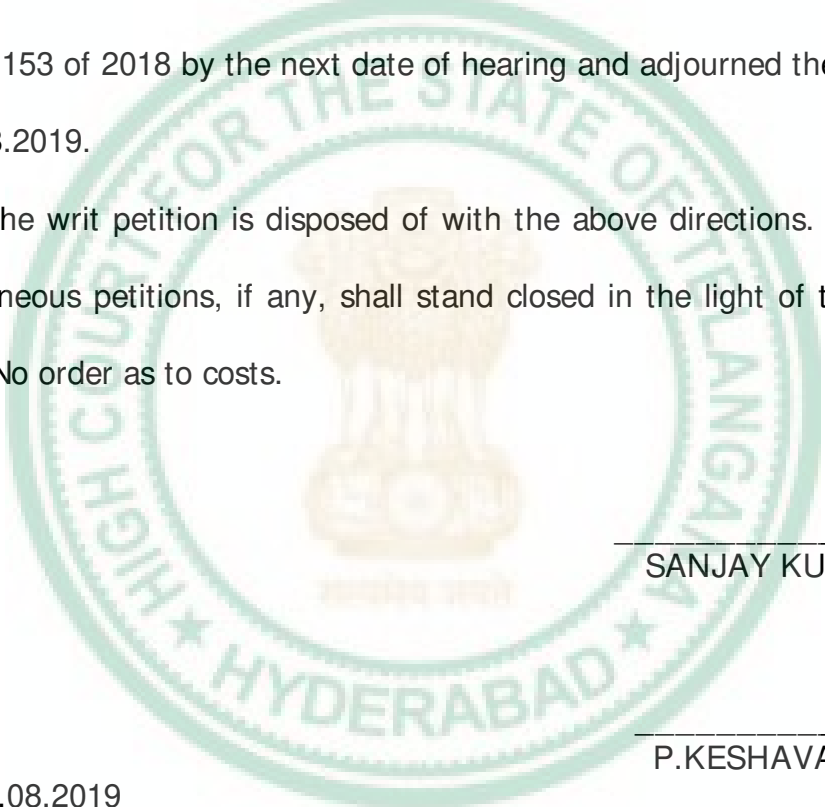
2. However, as we have passed a separate order today in W.P.No.17304 of 2019 confirming the order passed by the Tribunal, holding to the effect that it has jurisdiction in the matter, we find no grounds to interfere with the attachment order presently under challenge. As I.A.No.3153 of 2018 is still pending consideration before the Tribunal, it is for the petitioners to contest the said I.A. on merits by filing their counter and inviting an adjudication on merits by way of a reasoned order.

3. As we are now informed that the petitioners' right to file a counter in the subject I.A. stood forfeited by a separate order passed by the Tribunal and this development seems to have come about owing to the

petitioners raising and pursuing the issue of jurisdiction of the Tribunal, we grant liberty to the petitioners to file their counter in I.A.No.3153 of 2018 in O.A.No.173 of 2018 within one week from today. In the event they do so, the Tribunal shall take into account the said counter, afford an opportunity of hearing to both sides and thereafter pass a reasoned order in the said I.A.

4. Surprisingly, the Tribunal while dismissing I.A.No.2215 of 2019 filed by the petitioners in O.A.No.173 of 2018, in relation to the jurisdiction issue, directed defendants 2 and 3 in the O.A. to file their counter to I.A.No.3153 of 2018 by the next date of hearing and adjourned the matter to 20.08.2019.

5. The writ petition is disposed of with the above directions. 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:19.08.2019

GJ/PGS