

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

WRIT PETITION NO.25076 OF 2019

ORDER

(Per Honourable Sri Justice M.S.Ramachandra Rao)

Heard the learned counsel for the petitioners and Sri N.Mehar Prasad, learned counsel for the respondent bank.

2. The petitioners have assailed in this Writ Petition the order dt.23.10.2019 in I.A.No.5091 of 2019 in S.A.No.332 of 2019 of the Debts Recovery Tribunal-II at Hyderabad, wherein the said Tribunal had granted stay of all further proceedings of the respondent bank including the proposed e-auction to be held on 24.10.2019 on condition that the petitioners deposit 10% of the dues within 10 days from the date of the said order and further 10% within two weeks thereafter directly with the respondent bank. The Tribunal also put a default clause that in the event of failure of the compliance with the said conditions, the stay would stand vacated.

3. Learned counsel for the petitioners contends that the petitioners are contractors and are entitled to receive large sums of money from both the State Governments and because of delay in processing the claims of the petitioners by the respective State Governments, the petitioners were unable to comply with the condition of payment of the second instalment imposed by the Tribunal and that the Tribunal ought not to have imposed such onerous condition.

4. Learned counsel for the respondent bank however contended that the condition imposed by the Tribunal for deposit of a mere 20% of the dues is a very reasonable condition and the petitioners are not entitled to any indulgence in view of the non-compliance by the petitioners of the payment of the second instalment as directed by the Tribunal.

5. The order passed by the Tribunal is discretionary order and in the facts and circumstances of the case, we are of the opinion that the condition imposed by the Tribunal for grant of stay on deposit of a mere 20% of the dues by the petitioners to the respondent bank appears to be a reasonable condition. However, in view of the financial difficulties of the petitioners, we are of the opinion that time granted to the petitioners should be extended to pay the second instalment of 10% as directed by the Tribunal on or before 28.11.2019, making it clear that in default of the payment of the second instalment amount of 10% as directed by the Tribunal by 28.11.2019, the order of the Tribunal would stand.

6. The Writ Petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

K. LAKSHMAN, J

14th NOVEMBER, 2019

Svv