

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.48172 OF 2018

ORDER: (per V. Ramasubramanian, J)

Challenging the auction sale notice dated 10.12.2018, fixing the auction on 08.01.2019, the borrower has come up with the above Writ Petition.

2. Heard Mr.B. Prabhakar Rao, learned counsel for the petitioner.

3. According to the learned counsel for the petitioner, a previous notice for auction was challenged by the petitioner by way of an appeal before the Debt Recovery Tribunal-II, Hyderabad in S.A.No.1457 of 2017. Pending appeal the petitioner sought stay. The Tribunal passed an order imposing certain conditions. According to the petitioner, the conditional order was complied with and thereafter the appeal was closed.

4. Subsequently, the Bank demanded a particular amount, which according to the petitioner was many times more than the actual amount due. Therefore, raising objections to the quantum of the demand made and also offering to enter into a One Time Settlement, the petitioner has made a very positive proposal. But unfortunately without considering the same, the Bank has issued a sale notice forcing the petitioner to come up with the above Writ Petition.

5. The above narration of facts would show that the petitioner was successful in challenging the first auction notice before the Tribunal. Therefore, it is open to him to try his luck for the second time before

the Debt Recovery Tribunal itself. It is not within our jurisdiction to direct the Bank to consider the One Time Settlement, etc. Therefore, leaving it open to the petitioner to move the Tribunal, this Writ Petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHA RAO, J

02.01.2019
vnb

