

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE K. LAKSHMAN**

WRIT PETITION NO: 18046 OF 2020

Between:

1. M/s. Ameya Laboratories Ltd Mazdoor Sangh, (formerly known as M/s. Anu's Laboratories Ltd Mazdoor Sangh), Office at. Unit-III, Plot No. 272, 273, 280 and 281, IDA Pashamylaram-Isnapur, Sangareddy District. Rep. by its. Ex. General Secretary K. Umashankar Reddy.
2. Somidi Maheshwar, S/o. Somidi Mondaiah, H. No.5-168/4a, Chandranagar Colony, HMT, IDPL, Balanagar, Hyd.
3. Subhash Narayan Surya Wanshi, S/o. Narayan Bhaurao Suryawanshi, H.No B-24/401, Mahaveer Vatica CHS, Sai Nagar, Old Panvel, New Mumbai, Raighad-Dist, MR.
4. Mekala Naga Raju, S/o. M. Krishnaiah, H.No. 2-68/92/32, MLR Colony, Chengicherla, Boduppal, Hyd-92.
5. K. Dattatreya Chary, S/o. K. Brahmaiah Chary, H.No. 3727, Road No.8, Vidya Nagar, New Mig, Phase-2, B.H.E.L, Hyd.
6. Battu Vikram, S/o. Sagar Rao, H.No. 5-99/158, Road No. 4, Sri Suryodaya Colony, Patel Guda (V), Ameenpur (M), Sanga Reddy (D).
7. G. Venkateshwar Rao, S/o. Ranga Rao, Flat No. 103, Naresh Enclave, Near Shiva Krishna Theatre, Kondapally-Ap-521228.
8. Tummala Bapaiah Choudary, S/o. Gangadha Rao, H.No. 48-21/1, Qutubullapur, Ram Reddy Nagar, Chintal Hyd.
9. Silveru Ravi, S/o. Veeresham, H.No. 6-66/2 Isnapur X-Road, Patancheru(M), Sangareddy (D)-502307-T. S.
10. Narsimha Rao Chalamalashetty, S/o. Ch. Pandu Ranga Rao, H.No. 6-264/13/1/A42, Hal Raghavendra Colony, Road No.1, Suchithra Road, Qutubullapur, Hyd.

...PETITIONERS

AND

1. Asset Reconstruction Company India Limited (Arcil), Office At Buwana Towers, 2nd Floor 207, S D Road, Secunderabad 500003. Rep. By Its Authorized Officer Chaithanya Kiran Reddy, Secunderabad, Hyderabad.
2. S2 Engineering Services, Having Its Registered Office At Sy. No. 53/4, Bahadurpally Village, Medchal Malkajgiri District, Hyderabad, Rep. K. Nageshwara Rao.
3. Sri. Kandula Ramakrishna, Managing Director, S2 Engineering Services, S/o. Sri. K. Appa Rao, Aged About 43 Years, R/O. H. No. 4-32-336, Plot No. 189/A, Lb Nagar, Shapur Nagar, Medchal Malkajgiri District, Hyderabad.
4. Smt. Kandula Krishna veni, W/o. K. Nageshwara Rao, aged about 40 years, Plot No. 262, Shapur Nagar, IDA Jeedimella, Qutubullapur Mandal, Shapur Nagar, Medchal Malkajgiri District, Hyderabad.
5. M/s. Virupaksha Organics Limited, registered address is Plot No. B-4, IDA, Balanagar, Medchal-Malkajgiri (District), Hyderabad, TS - 500037 IN.
6. M/s. Ameya Laboratories Ltd., (formerly known as Anu's Laboratories Ltd), Rep. by Office of the Official Liquidator, Corporate Bhavan, Thatti Annaram, Bandlaguda, Hyderabad.
7. The Sub-Registrar, SRO, Sangareddy, Office at Kandi, Sangareddy.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to a. Issue a writ of certiorarified mandamus or other appropriate writ order or direction calling for the records of the Respondents pertaining to the Impugned Sale Notice dated 11/03/2020 issued under Rule 6 of Sub-Rule

2 and Rule 8 Sub - Rule 6 of the Security Interest (Enforcement) Rules, 2002 and Sale Certificate vide Doc No. 19596 of 2020 dated 17/07/2020 registered with the SRO Sangareddy issued by the 1st Respondent in favour of 2nd Respondent under Section 13 of the Securitisation Act and Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002 and consequential records under Section 13(4) of the Act, if any, and valuation report obtained by the authorised officer (i.e., the Respondent No.1), if any. b. Issue a writ of mandamus or other appropriate writ order or direction directing Respondent No.1 and 2 to set aside all actions initiated by the 1st Respondent including issuance of Sale Certificate vide Doc No. 19596 of 2020 dated 17/07/2020 registered with the SRO Sangareddy in pursuant to the Impugned Notice dated 11/03/2020 published under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. c. Issue such other appropriate writ or direction or order(s) that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to maintain Status quo from further alienating or creating any charge in favour of any third parties in any manner in respect of Sale Certificate vide Doc No. 19596 of 2020 dated 17/07/2020 registered with the SRO Sangareddy.

**Counsel for the Petitioner: SRI D. NARENDER NAIK, FOR
SRI D. RAJASHEKAR**

Counsel for the Respondent No.1: SRI P. SRI HARSHA REDDY

Counsel for the Respondent Nos.2 to 4: SRI B. CHANDRASEN REDDY

Counsel for the Respondent Nos.5 & 7:-----

Counsel for the Respondent No.6: SRI J.SRINADH REDDY, OFFICIAL LIQUIDATOR

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

Writ Petition No.18046 of 2020

ORDER: (Per Sri Justice A. Rajasheker Reddy)

This writ petition is filed with the following prayer;

"a. To issue a writ of certiorari, mandamus or other appropriate writ, order or direction calling for the records of the respondents pertaining to the impugned sale notice dated 11.03.2020 issued under Rule 6 of Sub-Rule 2 and Rule 8 sub-Rule 6 of the Security Interest (Enforcement) Rules, 2002 and Sale Certificate vide Doc.No.19596 of 2020 dated 17.07.2020 registered with the SRO Sangareddy issued by the 1st respondent in favour of 2nd respondent under Section 13 of the Securitisation Act and Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002 and consequential records under Section 13(4) of the Act, if any; and valuation report obtained by the authorized officer (i.e., the respondent No.1) if any;

b. To issue a writ of mandamus or other appropriate writ order or direction directing respondent Nos.1 and 2 to set aside all actions initiated by the 1st respondent including issuance of Sale Certificate vide Doc.No.19596 of 2020 dated 17.07.2020 registered with the SRO Sangareddy in pursuant to the impugned notice dated 11.03.2020 published under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and to issue such other appropriate directions"

2. Heard Sri D.Narendar Naik, learned counsel for the petitioners, Sri P. Sri Harsha Reddy, learned counsel for respondent No.1 and Sri B. Chandrasen Reddy, learned counsel for respondent Nos.2 to 4 and Sri J. Srinadh Reddy, learned counsel for Official Liquidator for respondent No.6.

3. At the hearing, learned counsel for the petitioners seeks permission to withdraw the writ petition. However, learned counsel for Official Liquidator submits that as the property was grossly undervalued even as per the petitioners in their writ affidavit, petitioners cannot be permitted to withdraw the writ petition and liberty may be granted to the Official Liquidator to take appropriate steps against the auction conducted by respondent No.1 regarding under valuation of the property.

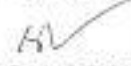
4. If property is undervalued and sold, it is open for the Official Liquidator to take appropriate action regarding under valuation if law permits, but that issue cannot be decided in this writ petition when petitioners does not want to prosecute this writ petition. In view of same,

permission is granted to withdraw the writ petition and the Writ Petition is dismissed as withdrawn with liberty to Official Liquidator as indicated above.

5. Interim order granted by this Court on 19.11.2020 shall stand vacated. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

SD/- M.RAMANA KRISHNA
ASSISTANT REGISTRAR

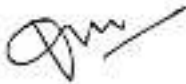
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SECTION OFFICER

To,

1. One CC to Sri D. Rajashekar, Advocate [OPUC]
2. One CC to Sri P. Sri Harsha Reddy Advocate [OPUC]
3. One CC to Sri B. Chandrasen Reddy, Advocate [OPUC]
4. One CC to Sri J. Srinadh Reddy, Official Liquidator, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:31/12/2020



ORDER

WP.No.18046 of 2020

DISMISSING THE WP
AS WITHDRAWN,
WITHOUT COSTS

SSV
6 copies
DT-16/01/2021