

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

**THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE P NAVEEN RAO
AND
THE HONOURABLE DR. JUSTICE G.RADHA RANI**

WRIT PETITION NO: 3904 OF 2020

Between:

1. Harish Amilineni, S/o. Dr A. Devarajulu Naidu, Aged about 47 Years, Occ. Business, R/o. B-1, Manjeera Residency, Ashwini lay-out, Huda Heights, Jubilee Hills, Hyderabad - 500 033.

...PETITIONER(S)

AND

1. State Bank of India, Stressed Assets Recovery Branch 2nd Floor, TSRTC Building Koti Hyderabad. Rep by its Authorized Officer.
2. M/s. Mahajuicy Food Processing Pvt Ltd, Rep by its MD T. Madan Mohan Office Door No. 15, Tirumala Nilayam S.R Lane 4th Cross, Near Corporation Bank New Bell Road, Bangalore - 560 094.
3. Mr. A. Rajender, H.No. 2-4-143, Ramnagar, Hanmakonda, Warangal-506001.
4. Mr. A. Raghu Kumar, Flat 6, Sneha Apartments Asmangadh, Malakpet, Hyderabad-500036.

...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 issue a writ order or direction more particularly one in the nature of Writ of Certiorari, calling for records and declare the order dated 31.01.2020 passed by the Debts Recovery Tribunal-1, Hyderabad in S.A No.98 of 2018, as illegal, arbitrary, non application of mind, null and void and set aside the said order dated 31.01.2020 passed by the Debts Recovery Tribunal-I at Hyderabad in S.A No.98 of 2018 and consequently declare that the E-Auction Sale Notice dated 25.02.2018 issued by the respondent no.1 bank against the secured assets without following the due procedure is illegal, null and void and set aside the auction sale conducted on 28.03.2018 and pass

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 restrain the Respondent No.1 Bank from registering the sale certificates in favour of the Respondents No.3 and 4 and further restrain the Respondents No.3 and 4 from changing/altering the physical features or from alienating/creating any third party interest or charge against the secured assets i.e., the properties purchased by the Respondents No.3 and 4 in the auction sale conducted on 28.03.2018 in pursuant to the E-Auction Sale Notice dated 25.02.2018 issued by the Respondent No.1 Bank, pending disposal of the Writ Petition, and pass

Counsel for the Petitioner(s):SRI. BENJARAM SRENIVASA REDDY

Counsel for the Respondents NO.1 : SRI CHITHARI PRABHAKAR

Counsel for the Respondents Nos : 2 & 4

Counsel for the Respondents No.3 SRI P.PAVAN KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

AND

THE HON'BLE Dr. JUSTICE G. RADHA RANI

WRIT PETITION No.3904 OF 2020

JUDGMENT: *(per Hon'ble Sri Justice P. Naveen Rao)*

This writ petition is instituted challenging the order of the Debts Recovery Tribunal-I, Hyderabad, dated 31.01.2020 in SA No.98 of 2018 against the decision of the Debts Recovery Tribunal-I (DRT-I), Hyderabad.

2. Section 18 of the Act, 2002 provides remedy in the form of an appeal before the Debts Recovery Appellate Tribunal (DRAT). Even though such remedy was available under the Act, contending that there was no Chairman to preside over the appellate Tribunal this writ petition was instituted. By order dated 25.02.2020 made in I.A. No.1 of 2020 the Court granted interim direction as prayed for.

3. Learned counsel for the 1st respondent bank informed the court that the Chairman is appointed to the DRAT and the DRAT is functioning now. In view of the same, the petitioner has to avail the remedy provided under Section 18 of the Act.

4. Granting the said liberty, this writ petition is disposed of.

5. It is not in dispute that when the writ petition was instituted, the DRAT was not functioning. Therefore, we are inclined to condone the period spent before this Court from the date of institution of the writ petition for a period of 30 days from today enabling the petitioner to avail the remedy of appeal. Further, since the petitioner is enjoying the order passed by this Court on 25.02.2022, we are inclined to extend the said interim order for a period of 30 days from today.

No order as to costs. Miscellaneous Petitions pending, if any, shall, stand closed.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI. BENJARAM SRENIVASA REDDY Advocate [OPUC]
2. One CC to SRI. CHITHARI PRABHAKAR Advocate [OPUC]
3. One CC to SRI.P.PAVAN KUMAR Advocate (OPUC)
4. Two CD Copies
5. One Spare Copy

PM
PS



HIGH COURT

DATED:04/08/2022

ORDER

WP.No.3904 of 2020



DISPOSING OF THE WP

WITHOUT COST.

6
RMA
29/10/2022