

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.18671 of 2022

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
05.	04.07.2023	<u>HCJ & SNJ</u> <u>Review I.A.No.5 of 2022</u> Heard Mr. J.Prabhakar, learned Senior Counsel for the review petitioner and Ms. K.Prabhavati, learned counsel for respondent Nos.1 and 2. This application has been filed for review of order dated 13.04.2022 passed in Writ Petition No.18671 of 2022. Order dated 13.04.2022 reads as follows: “3. From the sale cum auction notice, it is seen that outstanding dues of the petitioners have been quantified by respondent No.1 at Rs.9,07,14,625.00 as on 19.04.2018, plus interest, expenses and costs. 4. It is seen that against the possession notice issued by the 1st respondent under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (briefly referred to hereinafter as the ‘SARFAESI Act’), petitioners have filed securitisation application under	

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		Section 17 of the SARFAESI Act before the Debts Recovery Tribunal-II, Hyderabad (Tribunal), which was registered as S.A.No.115 of 2019. 5. We find from the materials on record that Tribunal had recorded an undertaking of the 1st respondent on 12.03.2019 that it would not disturb the possession of the petitioners till the next date. Though this undertaking was continued by the subsequent order dated 20.03.2019 till 01.04.2019, it was not continued thereafter. 6. At this stage, we may mention that the tenant namely M/s. Jai Santoshi Mata Realtors had approached this Court against the steps taken by respondent No.1 under the SARFAESI Act by filing W.P.Nos.5872 and 4117 of 2019. While dismissing the two writ petitions, this Court noted pendency of S.A.No.115 of 2019 before the Tribunal and granted liberty to the tenant to join the petitioners in the said securitisation application. 7. Belatedly petitioners had challenged possession notice dated 21.06.2018 issued by the 1st respondent before this Court by filing W.P.No.9938 of 2022. On the ground that 1st respondent is a private financial	

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		institution and also considering the fact that S.A.No.115 of 2019 is pending before the Tribunal, this Court declined to entertain the writ petition and dismissed the same <i>vide</i> order dated 17.03.2022.” Learned Senior Counsel for the review petitioner submits that the aforesaid order was passed without issuing notice to the review petitioner which was arrayed as respondent No.1 in the writ petition. However, he would not press the above ground at this stage. He submits that respondent, after depositing the amount as directed by the writ court, has stopped depositing further amounts. Securitization Application being S.A.No. 115 of 2019 is still pending before the Debts Recovery Tribunal-II, Hyderabad. On one pretext or the other, hearing of the securitization application is getting delayed. While we decline to review our order dated 13.04.2022, we are of the view that S.A.No.115 of 2019 pending before the Debts Recovery Tribunal-II, Hyderabad should be concluded expeditiously. Learned Senior Counsel for the review petitioner submits that pleadings	

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		are complete and the matter can be decided without consuming much time. Having heard learned counsel for the parties and on due consideration, we direct the Debts Recovery Tribunal-II, Hyderabad to take up S.A.No.115 of 2019 for hearing and decide the same within a period of four (04) weeks from the date of receipt of a copy of this order. Review I.A. is disposed of. HCJ SNJ KL	