



WEB COPY



W.M.P.No.34989 of 2023 in
W.P.No.27993 of 2021

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W.P.No.27993 of 2021

THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The present application is for modification of the order dated 07.11.2023 passed by this Court in W.P.No.27993 of 2021.

2. It is submitted by learned counsel for the applicant that the present applicant has already deposited Rs.60.00 lakh with the bank. The same was pursuant to a private treaty between the bank and the private applicant. It is further submitted that this Court, under order dated 07.11.2023, had directed public auction.

3. Learned counsel for the bank submits that the deposit of Rs.60.00 lakh by the present applicant was not pursuant to a private treaty.



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4. It is not disputed that the present applicant has deposited Rs.60.00 lakh with the bank. The property will have to be sold by auction as the EPF is also claiming its rights for sale of the said property. The sale by public auction is imperative. It is, in view of that, we had passed an order directing public auction and payment of Rs.75.00 lakh from the sale proceeds subject to the order to be passed in the writ petition.

5. In alternate, learned counsel for the applicant submits that the amount of Rs.60.00 lakh deposited by the applicant with the bank be adjusted towards the EMD. The said request is reasonable.

6. The amount of Rs.60.00 lakh deposited by the applicant with the bank shall be adjusted towards the amount of EMD that is required to be deposited by the proposed bidders, pursuant to the tender notice. The applicant would deposit the remaining Rs.10.00 lakh as per the Schedule of the tender. The applicant, on deposit of EMD, can participate in the auction proceedings.



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7. The application is disposed of.

(S.V.G., CJ.) (D.B.C.,J.)
21.12.2023

kpl



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21.12.2023