

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

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION NO: 34922 OF 2023

Between:

Mr. Venu Akula, S/o Late Narayana Akula Aged about 44 years,
Occ.Business, R/o Flat no.618, Sundaram Building, Rama Raja Nagar,
Suchitra, Ranga Reddy District- 500067.

...PETITIONER

AND

1. India Bulls Housing Finance Limited, 3rd Floor, Park City Plaza, Above Jade Blue Showroom, Road No.1, Banjara Hills, Hyderabad-500034.
2. Authorised Officer, India Bulls Housing Finance Limited, 3rd Floor, Park City Plaza, Above Jade Blue Showroom, Road No.1, Banjara Hills, Hyderabad-500034.
3. Reserve Bank of India, Represented by its Governer Main Building, P.O.Box 901, Shahid Bhagat Singh Road, Mumbai-400 001.
4. National Housing Bank, Represented by its Managing Director, Core 5A, India Habitat Centre, 3rd-5th floor, Lodhi Road, New Delhi - 110003
5. Debt Recovery Tribunal-2, Hyderabad, Represented by its Registrar.

...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 an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari

a) seeking quash of order dated. 31/10/2023 in SA.No.74 of 2023 passed by Debt Recovery Tribunal -II, Hyderabad for failing to exercise jurisdiction vested with it and thereby causing grave injustice to the Petitioner herein and consequently remand back the matter to the Debt Recovery Tribunal -II, Hyderabad, to re-hear SA.No.74 of 2023 afreshby considering the issues raised by Petitioner herein.

b) Direct the respondents to not to take any coercive steps including acting in furtherance of vacate notice dated. 11/12/2023 issued by the Advocate Commissioner Mrs K. Bhavani (TS/14444/2020), Malkajgiri Bar Association,

pending re-hearing of SA.No.74 of 2023 afresh by Debt Recovery Tribunal -II, Hyderabad.

IA NO: 1 OF 2023

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 not take any coercive steps including acting in furtherance of vacate notice dated: 11/12/2023 issued by the Advocate Commissioner Mrs K. Bhavani (TS/14444/2020), Malkajgiri Bar Association, and consequently suspend the order dated: 31/10/2023 in SA.No.74 of 2023 passed by DRT -II, Hyderabad, pending disposal of the Writ Petition

**Counsel for the Petitioner: SRI AVINASH DESAI, SENIOR COUNSEL FOR
SRI ABHINAV KRISHNA UPPALURI**

Counsel for Respondents: -----

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.34922 of 2023

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Avinash Desai, learned Senior Counsel representing Mr. Abhinav Krishna Uppaluri, learned counsel for the petitioner.

2. In this writ petition, the petitioner has assailed the validity of the order dated 31.10.2023 passed by the Debts Recovery Tribunal - II at Hyderabad on an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Learned Senior Counsel for the petitioner submits that certain arguments raised on behalf of the petitioner were not considered by the Debts Recovery Tribunal.

4. In view of the aforesaid submission and in view of the law laid down by the Supreme Court in **State of**

Maharashtra v. Ramdas Shrinivas Nayak¹, the appropriate remedy for the petitioner is to seek review of the order. Needless to state that the petitioner shall be entitled to exclusion of the time in respect of the period spent in prosecuting this writ petition on the principles analogous to Section 14 of the Limitation Act, 1963.

5. The writ petition is, therefore, disposed of with the liberty to the petitioner to take recourse to the remedy of review. The petitioner shall also be at liberty to file an application seeking interim relief before the Debts Recovery Tribunal.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-B. SARASWATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

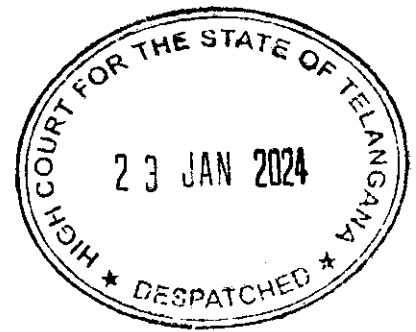
- To,
1. The Registrar, Debt Recovery Tribunal-2, Hyderabad.
 2. One CC to Sri Abhinav Krishna Uppaluri Advocate [OPUC]
 3. Two CD Copies

MBC
GJP

PMG.

HIGH COURT

DATED: 29/12/2023



ORDER

WP.No.34922 of 2023

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

⑤ PMA.
12/1/24.