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

MONDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 29021 OF 2024

Between:

N.Seetarama Raju, S/o Late Sri N.Satyanarayan Raju, Aged. 60 years, Occ. Business, Rio H.No.668, Old MIGH BHEL, Serilingampally Mandal, R.R.District.

...PETITIONER

AND

1. Siddhi Vinayaka Industries, Through its Authorised Signatory and Partner Mrs.Thota Radhika R/o H.No.7-1-67/7/1, Dharam Karan Road Ameerpet, Hyderabad.
2. Central Bank of India, Himayath Nagar Branch 3-5-943/944/A, Gandhi Kuteer Colony Narayanguda, Hyderabad.
3. Reliance Asset Reconstruction Company Ltd, Reg. Office at Reliance Centre North Wing 6th Floor Off. Western Express Highway Santacruz (East) Mumbai-400055
4. M/s Sunrise Oleo Chemicals Ltd. (In Liquidation), Rep. by the Official Liquidator Hon'ble High Court of State of Telangana and Attached to the Hon'ble High Court of AP.
5. State Bank of India (SBB 2J), 101, first floor, Raj Bhavan, Hyderabad.

...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 or Order more particularly one in the nature of Writ of Certiorari calling for the records relating to Appeal No.141 of 2023 on the file of The Debts Recovery Appellate Tribunal at Kolkata and to quash the order passed by the Debts Recovery Appellate Tribunal at Kolkata in Appeal No.141/2023 dated 15-05-2024 as illegal, high handed, arbitrary and against to the well settled

principles of Law and consequentially to dismiss the said Appeal No.141/2023 as not maintainable.

IA NO: 2 OF 2024

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 grant stay of all further proceedings in Appeal No.141/2023 on the file of the Hon'ble Debts Recovery Appellate Tribunal. Kolkata, pending disposal of the main Writ Petition.

Counsel for the Petitioner : SRI AMBADIPUDI SATYANARAYANA, Sr.COUNSEL, rep., SRI KANDHIKA KARUNAKAR

Counsel for the Respondents: --

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.29021 of 2024

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

Mr. Ambadipudi Satyanarayana, learned Senior Counsel representing Mr. Kandhika Karunakar, learned counsel for the petitioner.

2. In this writ petition, the petitioner has assailed the validity of the order dated 15.05.2024 passed by the Debts Recovery Appellate Tribunal at Kolkata (hereinafter referred to as, the "Appellate Tribunal") in Appeal No.141 of 2023 by which the appeal preferred by the respondent No.1 against the order dated 23.09.2019 passed by the Debts Recovery Tribunal-I, Hyderabad (hereinafter referred to as, "the Tribunal"), has been held to be maintainable.

3. Facts giving rise to filing of this writ petition briefly stated are that the respondent No.4 had availed of the financial assistance from the respondent No.2 - bank. The

respondent No.2 – bank, filed O.A.No.252 of 200C before the Tribunal. On 26.03.2011, the respondent No.2 - bank, assigned the debt in favour of the Reliance Asset Reconstruction Company Limited through a registered assignment deed. The Reliance Asset Reconstruction Company Limited, the secured creditor, had put the mortgaged property for sale by way of public auction on 13.03.2018. The petitioner has purchased the subject property in the said auction.

4. The respondent No.4, represented by the official liquidator, had filed a Securitisation Application, namely S.A.No.98 of 2019, before the Tribunal. The Tribunal, by an order dated 23.09.2019, upheld the action of the Reliance Asset Reconstruction Company Limited in auctioning the property in question. Thereafter, the respondent No.1, who was not a party to the aforesaid securitisation application, filed an appeal before the Appellate Tribunal. The appellant raised an objection as to the maintainability of the appeal, *inter alia*, on the grounds

which are narrated in paragraphs 4 and 5 of the impugned order.

5. The Appellate Tribunal, by an order dated 15.05.2024, *inter alia*, has held as follows:

i) The costs of Rs.10,000/-, directed to be deposited vide order dated 16.10.2023, was deposited on 31.10.2023;

ii) Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, permits any person to file an appeal even though he may not have been a party.

However, the issue whether or not the respondent No.1 is an aggrieved person, has been kept open to be adjudicated.

6. From the contentions urged on behalf of the petitioner, it does not appear that the petitioner had specifically taken the ground that the respondent No.1 is not an aggrieved person.

7. Needless to state that the appeal by a person, who is not a party tc the proceeding, can only be filed by a person, who is an aggrieved person. The Appellate Tribunal shall bear the aforesaid aspect in mind while dealing with the appeal and record a finding whether or not the respondent No.1 is an aggrieved person and therefore has locus to maintain the appeal. The Appellate Tribunal shall endeavour to decide the appeal expeditiously.

8. Accordingly, the writ petition is disposed of.

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

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

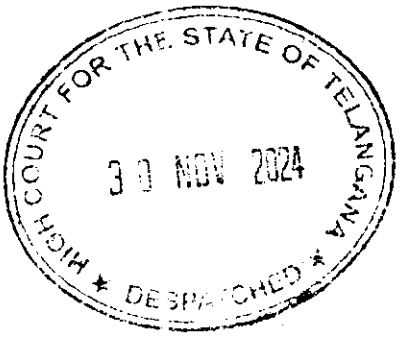
To,

1. The Central Bank of India, Himayath Nagar Branch 3-5-943/944/A, Gandhi Kuteer Colony Narayanguda, Hyderabad.
2. The Authorised Signatory and Partner Mrs.Thota Radhika Siddhi Vinayaka Industries, R/o H.No.7-1-67/7/1, Dharam Karan Road Ameerpet, Hyderabad.
3. The Reliance Asset Reconstruction Company Ltd, Reg. Office at Reliance Centre North Wing 6th Floor Off. Western Express Highway Santacruz (East) Mumbai-400055
4. The Official Liquidator Hon'ble High Court of State of Telangana and Attached to the Hon'ble High Court of AP M/s Sunrise Oleo Chemicals Ltd. (In Liquidation).
5. The State Bank of India (SBB 2J), 101, first floor, Raj Bhavan, Hyderabad.
6. One CC to SRI KANDHIKA KARUNAKAR Advocate [OPUC]
7. Two CD Copies.

BSK

HIGH COURT

DATED:25/11/2024



ORDER

WP.No.29021 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

9

MEMO

23/11/2024