HC-KAR

NC: 2026:KHC:63406
WP No. 20655 of 2024

CNR: KAHC010442352024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 20655 OF 2024 (GM-RES)

BETWEEN:

M/S SHIV SHAKTHI SUGAR MILLS (INDIA) PVT LTD
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI SUNIL KUAMR AGARWAL
AGED ABOUT 56 YEARS,
HAVING REG OFFICE AT 15-9-27
MUKHTIYAR GUNJ, HYDERABAD - 500 012

…PETITIONER

(PETITIONER - M/S SHIV SHAKTHI SUGAR MILLS (INDIA) PVT LTD REP BY MANAGING DIRECTOR SUNIL KUMAR AGARWAL, HYDERABAD)

AND:

1. THE KARNATAKA STATE CO OPERATIVE
APEX BANK LIMITED
BY ITS AUTHORIZED OFFICER
OFFICE AT NO.1, UTHUNGA, PAMPAMAHAKAVI ROAD
CHAMARAJPET, BENGALURU - 560 018

2. CHIEF EXECUTIVE OFFICER
APEX BANK LIMITED
OFFICE AT NO.1, UTHUNGA, PAMPAMAHAKAVI ROAD
CHAMARAJPET, BENGALURU - 560 018

…RESPONDENTS

(BY SRI. THARISH C. REDDY, ADVOCATE FOR
SRI. ABHINAV RAMANAND A., ADVOCATE FOR R1 AND R2)

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

THIS W.P IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE INITIATION OF PROCEEDINGS BY ISSUANCE OF THE NOTICE VIDE NO.A.O/DEMAND NOTICE/A.O-SUGARGS/4374/2023-24, DTD. 22.03.2024 UNDER SECTION 13(2) ISSUED BY THE R-1 AS PER ANNX-J AND ALSO THE REJECTION OF OBJECTIONS PURPORTEDLY UNDER SECTION 13(3A) VIDE NO. A.O./SARFAESI/675/2024-25 DTD. 18.05.2024 UNDER ANNX-L GIVEN BY THE R1 AND ALSO QUASH THE POSSESSION NOTICE DTD. 09.07.2024 ISSUED BY THE R1 UNDER ANNX-M.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

Upon learned counsel appearing for the petitioner retiring from the appearance in the instant writ petition, this Court had issued Court notice to the petitioner. Despite service of Court notice, no arrangement has been made for appearance on behalf of the petitioner.

2. Learned counsel appearing for respondent Nos.1 and 2 has filed a memo dated 17.11.2026, stating that during the pendency of the present proceedings, the petitioner has approached the Debt Recovery Tribunal, invoking the appeal remedy under Section 17 of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'SARFAESI Act'), in S.A. Diary No.2588/2025 and the said proceedings came to be dismissed for non-prosecution on 14.07.2026.

3. The conduct of the petitioner in filing the instant writ petition and simultaneously approaching the DRT, making no representation before this Court and allowing S.A. Diary No.2588/2025 to be dismissed for default, discloses that the petitioner has no interest in prosecuting the instant writ petition

4. Accordingly, the writ petition is ***dismissed not only on the ground of non-prosecution but also on the ground of maintainability.***

Sd/-
(T.P.VIVEKANANDA)
JUDGE

SMC
List No.: 1 Sl No.: 9