

APHC010202672023



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

TUESDAY ,THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10538/2023

Between:

Sasi Vardhini Industries

...PETITIONER

AND

The Chief Manager and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V Y PRABHUVU

Counsel for the Respondent(S):

1.VENKATA RAMA RAO KOTA

The Court made the following:

ORDER:-

1. This writ petition is filed claiming the following relief:

“...To issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the representations made by the petitioner dated 28.03.2023, 24.01.2023 requesting to release the pledged documents for the loan already closed by splitting the properties as the petitioner has pledged five properties for sanction of limits, so as to enable the petitioner for selling those properties since the interested parties are ready to buy two properties, thereby settle the outstanding dues by way of One Time Settlement for

the remaining three credit facilities once for all, as illegal, arbitrary, improper, unlawful and unjust, infringing the right of the petitioner and contrary to the letter Circular issued by the Reserve Bank of India dated 19.08.2005 and pass orders...”

2. When the matter is taken up, the docket order reveals that there was no representation for the petitioner on 05.10.2023, 27.03.2024 and 16.04.2024. Even today also, there is no representation on behalf of the petitioner.

3. The claim of the petitioner in the writ petition is that the petitioner submitted representations dated 28.03.2023 and 24.01.2023 to the Respondents requesting to release the pledged documents for the loan account which was already closed. Even after submission of representations to the Respondents, the Respondents neither considered / pass any orders nor released the pledged documents of the petitioner. Hence the writ petition.

4. On the other hand, learned Standing Counsel for the Respondents filed counter affidavit, wherein it is stated that on 23.06.2023, the Respondents have considered the petitioner's Representation dated 22.04.2023 and duly rejected in accordance with norms. The Rejection Order has been communicated to the petitioner with proper acknowledgement, in view of the rejection of request of the petitioner. If the petitioner aggrieved by the Notice / Communication dated 23.06.2023, the petitioner must approach the Hon'ble DRT, Visakhapatnam. It is further stated that the Respondent Bank has been scrupulously following the law laid down by this Hon'ble Court as well as the Hon'ble Apex Court apart from the norms of the Reserve Bank of India in contacting the borrowers during the recovery proceedings initiated under the

SARFAESI Act. The Respondents never indulge in harassment of the borrowers/guarantors while recovering due to the Bank.

5. It is further stated that the petitioner approached this Hon'ble Court with unclean hands by suppressing all these facts, with a view to get delay the recovery proceedings for some time except attributing baseless allegations and further failed to state and furnish the details of the prospective buyers even before this Hon'ble Court, hence he is not entitled to any relief.

6. Learned counsel submits that pending writ petition, the claim of the petitioner already redressed by the Respondents vide speaking orders dated 23.06.2023. Therefore, no further orders are required to be passed in the present writ petition.

7. In view of the submission made by learned Standing Counsel for the Respondents and since the grievance of the petitioner had already been considered and disposed of by way of speaking order dated 23.06.2023, the cause in the writ petition does not survive for further adjudication.

8. Accordingly, the Writ Petition is dismissed as infructuous.

9. Consequently, miscellaneous applications pending if any, shall stand closed.

10th December, 2024
Knr

JUSTICE VENKATESWARLU NIMMAGADDA

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.10538 of 2023

10th December, 2024

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