

APHC010283232023



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI**

**Bench
Sr.No:-34
[3483]**

WRIT PETITION NO: 15434 of 2023

The A. P. State Financial
Corporation

...Petitioner

Vs.

The District Consumer Redressal
Commission and others

...Respondents

Advocate for the petitioner : Sri G. R. Sudhakar

Advocate for respondent No.1 : None

Advocate for respondent No.2 : Sri K. Venkateswarlu

Advocate for respondent No.3 : None

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI**

DATE : 18th September 2024

P C :

The petitioner i.e., Andhra Pradesh State Financial Corporation claims to have advanced certain amount as loan to respondent Nos.2 and 3. On account of default having been committed in the repayment of the said loan amount, it appears that the petitioner initiated steps to sell the secured asset and aggrieved by the action taken by the petitioner, respondent Nos.2 and 3 are stated to have approached the Debts Recovery Tribunal, Visakhapatnam (for short, "D.R.T") in terms of the provisions of the Securitisation and

Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 *vide* S.A.No.419 of 2017. Certain interim orders were passed by the D.R.T. requesting respondent Nos.2 and 3 to deposit certain amount of money.

2. Learned counsel for the parties, however, do not have any information as to whether that part of the orders passed by the D.R.T. have been complied with or not.

3. Be that as it may, during the pendency of the proceedings before the D.R.T initiated by respondent Nos.2 and 3, the said two respondents appear to have approached the District Consumer Dispute Redressal Commission, Srikakulam *vide* C.C.No.64 of 2022. The petitioner, however, could not file the response to the complaint within the prescribed period of 45 days. However, it seeks to question the very jurisdiction of the District Consumer Dispute Redressal Commission in entertaining the complaint. The issue of jurisdiction is stated to have been raised by the petitioner by way of I.A.No.87 of 2022. The grievance of the petitioner is that even when the issue of jurisdiction would go to the root of the matter, yet, the Redressal Commission is not deciding the same and had proceeded to record evidence in the matter.

4. Learned counsel for respondent No.2 stated that the proceedings have since been completed and the matter has to be argued finally before the Redressal Commission.

5. Be that as it may, it appears that the petitioner has in fact raised the issue of jurisdiction, which is required to be gone into. If there is an interlocutory application filed by the petitioner, as is asserted by the learned counsel for the petitioner, then the same ought to have been disposed of at the earliest.

6. We, therefore, dispose of this petition with a direction to the Presiding Officer of the District Consumer Disputes Redressal Commission at Srikakulam to dispose of I.A.No.87 of 2022 in C.C.No.64 of 2022 filed by the petitioner herein preferably, within a period of three (3) weeks. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

RAVI CHEEMALAPATI, J

AMD

152

**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE RAVI CHEEMALAPATI**

WRIT PETITION NO: 15434 of 2023

Dt:18.09.2024

AMD