

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

**FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

**THE HONOURABLE SRI JUSTICE UJJAL BHUYAN
AND
THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI**

WRIT PETITION NO: 37220 OF 2021

Between:

Syed Mahmood Mohiuddin, S/o Gouse Mohiuddin, aged 40 years, Occ: Business,
R/o H.No 7-74, Manakondur, Karimnagar District.

...PETITIONER

AND

1. The Debt Recovery Tribunal Hyderabad-I, Rep by its Registrar, 11-12-214, King Koti Rd, behind Taj Mahal Hotel, Sultan Bazar, Abids, Hyderabad, Telangana 500001.
2. The Union Bank of India, Rep by its Branch Manager, Bank Street Karimnagar 505001.
3. The Authorised Officer, The Union Bank of India, Bank Street Karimnagar.

...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 order or direction more particularly writ in the nature of Mandamus the action Hon'ble Debt Recovery Tribunal- Hyderabad-I not registering SA after compliance the condition order passed in I.A.No.874 of 2021 in SA SR.No.391 dated 28/10/2021, is arbitrary illegal and violative of principles of natural justice and also in violative of Article 300-A. Consequently direct the Registrar Debt Recovery Tribunal, Hyderabad-I to registered the SA.

IA NO: 1 OF 2021

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 stay of all further proceedings in pursuance of notice under section 13(4) of the Act dated 28/04/2021 proposing to take possession, till pending disposal of the above Writ petition.

Counsel for the Petitioner: SRI. V. SRIKANTHA RAO

Counsel for the Respondents: NONE APPEARED

The Court made the following: ORDER

**HONOURABLE SRI JUSTICE UJJAL BHUYAN
AND
HONOURABLE SMT. JUSTICE P. MADHAVI DEVI**

W.P.No.37220 OF 2021

ORDER: *(Per Hon'ble Sri Justice Ujjal Bhuyan)*

Heard Mr. V. Srikantha Rao, learned counsel for the petitioner.

2. Aggrieved by the notice dated 28.04.2021 issued by respondent Nos.2 and 3/Union Bank of India under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (briefly, the SARFAESI Act hereinafter) petitioner has filed securitization application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal-I, Hyderabad (Tribunal). Since there was delay in filing the said application, petitioner filed an interlocutory application, being I.A.No.874 of 2021 for condonation of delay. From the order dated 28.10.2021 (page 69 of the paper book), it is seen that I.A.No.874 of 2021 was allowed subject to payment of costs of Rs.1,000/- in favour of Prime Minister's National Relief Fund.

3. We find that petitioner has paid the said demand through demand draft and there is an acknowledgment by the Tribunal that the above condition has been complied with.

4. Grievance of the petitioner is that the securitization application has not yet been registered despite condonation of delay. It has been simply numbered as S.A (IR) No.391 of 2021. Having regard to the above, a direction is issued to the Registrar of the Tribunal to register

the securitization application filed by the petitioner and thereafter to place it before the Tribunal for proceeding in accordance with law.

5. Writ petition is, accordingly, disposed of.
6. Miscellaneous applications, if any pending, shall stand closed.
7. No costs.

SD/-K.ONESIM
ASSISTANT REGISTRAR

Grs

SECTION OFFICER

//TRUE COPY//

- To,
1. The Registrar, Debt Recovery Tribunal, Hyderabad -I, 11-12-214, King Koti Rd, behind Taj Mahal Hotel, Sultan Bazar, Abids, Hyderabad, Telangana 500001
 2. The Branch Manager, Union Bank of India, Bank Street Karimnagar 505001
 3. The Authorised Officer, The Union Bank of India, Bank Street Karimnagar
 4. One CC to Sri V. Srikantha Rao, Advocate [OPUC]
 5. Two CD Copies
 6. One Spare Copy

CHR
SW

[Signature]

HIGH COURT

DATED:31/12/2021

ORDER

W.P.No.37220 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

AM 7
17/1/2022