



**HIGH COURT OF ANDHRA PRADESH**  
MONDAY ,THE TWENTY SEVENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH**  
**THE HONOURABLE MS JUSTICE B S BHANUMATHI**  
**WRIT PETITION NO: 29661 OF 2021**

**Between:**

1. SRI MATHAMSETTI NAGA VEERA VENKATA SATYANARAYANA  
S/o.Late Ramalingeswara Rao,  
Age.50 years, Occ. Proprietor M/s. Sri Ayyappa Traders R/ o. Door  
No.10-4-4, Ranguresupeta,  
Near Kotagummam, Rajahmundry,  
Andhra Pradesh- 531077
2. Smt.Mathamsetti Madhavi W/o. Mathamsetti Naga Veera Venkata  
Satyanarayana,  
Age.42 years, Occ. Hose Wife  
R/o. Door No.10-4-4, Ranguresupeta,  
Near Kotagummam, Rajahmundry,  
Andhra Pradesh- 531077
3. Smt. Mathamsetti Lakshmi W/o.Late Ramalingeswara Rao,  
Age.80 years, Occ. Proprietrix M/s. Lakshmi Cashew Processing Unit,  
R/o. Door No.10-4-4/1, Ranguresupeta,  
Near Kotagummam, Rajahmundry,  
Andhra Pradesh- 531077

**...PETITIONER(S)**

**AND:**

1. BANK OF BARODA Rajamahendravaram Branch,  
Rep by its Authorized Officer and Chief Manager,  
Rajamahendravaram, East Godavari District,  
Andhra Pradesh

**...RESPONDENTS**

**Counsel for the Petitioner(s): K B RAMANNA DORA**

**Counsel for the Respondents: SATYANARAYANA DHARA**

**The Court made the following: ORDER**



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Ms. JUSTICE B. S. BHANUMATHI**

**WRIT PETITION No.29661 OF 2021**

1. Sri Mathamsetti Naga Veera Venkata Satyanarayana,  
S/o. Late Ramalingeswara rao, aged 50 years,  
Occ: Proprietor M/s. Sri Ayyappa Traders,  
R/o. Door No. 10-4-4, Ranguresupeta,  
Near Kotagummam, Rajahmundry,  
Andhra Pradesh – 531077.
2. Smt. Mathamsetti Madhavi, W/o Mathamsetti  
Naga Veera Venkata Satyanarayana, aged 42 years,  
Occ: House wife, R/o. Door No.10-4-4,  
Ranguresupeta, Near Kotagummam, Rajahmundry,  
Andhra Pradesh – 531077
3. Smt. Mathamsetti Lakshmi, W/o late Ramalingeswararao,  
Aged 80 years, Occ: Proprietrix M/s Lakshmi Cashew  
Processing Unit, R/o. Door No.10-4-4/1, Ranguresupeta,  
Near Kotagummam, Rajahmundry, Andhra Pradesh-531077

... Petitioners

Versus

Bank of Baroda, Rajamahendravaram Branch,  
represented by its Authorized Officer and Chief Manager,  
Rajamahendravaram, East Godavari District,  
Andhra Pradesh.

... Respondent

Counsel for the petitioners : Mr. K. B. Ramanna Dora,  
Advocate

Counsel for the respondent : Mr. Satyanarayana Dhara,  
Advocate

**ORAL JUDGMENT**

**Date: 27.12.2021**

*(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)*

Heard Mr. P. Vivek, learned counsel, representing  
Mr. K. B. Ramanna Dora, learned counsel for the petitioners and



Mr. Satyanarayana Dhara, learned counsel for the respondent-Bank of Baroda.

2. The petitioners have moved the Court against the e-auction notice, dated 08.12.2021 with regard to their property, which was the secured asset for the loan taken by the petitioner no.1.

3. Learned counsel for the petitioners submitted that against such action by the respondent-Bank, the petitioners had moved the Debts Recovery Tribunal, Visakhapatnam (hereinafter referred to as the 'Tribunal'), in Securitization Application No.253 of 2020 in which, by order, dated 11.01.2021, the Tribunal had directed the petitioners to pay 5% of the notice amount before 20.01.2021 and another 15% of the notice amount within one month thereafter and stay was granted. However, it was submitted that the petitioners had paid 5% before 20.01.2021, but did not pay the 15%, for which explanation was sought and ultimately the petitioners were required to pay the remaining 15% by 15.03.2021.

4. Learned counsel for the petitioners further submitted that the petitioners, due to COVID pandemic situation, could not do so, but shall be repaying the entire outstanding amount within three months. It was further contended that five properties of the petitioners asked to be sold for meager amount, whereas the entire dues of less than 2 Crores can be satisfied by selling just one property.

5. Learned counsel for the respondent-Bank, who has filed counter affidavit, submitted that the conduct of the petitioners is not fair, since even after being granted stay by paying only



meager 15% amount, for which sufficient time was granted, they have defaulted and till date they have not complied with the same. Thus, it was submitted that the petitioners, by conduct, have disentitled themselves for any indulgence by this Court.

6. On a specific query to learned counsel for the respondent as to whether they would be agreeable to grant three months time for repayment of the entire amount due by the petitioners, learned counsel submitted that the Court may direct them to pay in installments and not give three months time at one go.

7. Learned counsel for the petitioners agreed to the said condition.

8. Accordingly, with consent, the writ petition stands disposed of in the following terms.

- (i) The respondent-bank shall communicate to the petitioners within one week from today the outstanding up-to-date dues as on 31.12.2021.
- (ii) The petitioners, thereafter, shall pay 30% of the amount by 31.01.2022.
- (iii) Another 30% shall be paid by 28.02.2022.
- (iv) Upon doing so, the respondent-bank shall calculate the remaining outstanding amount till 31.03.2022 and the same shall be cleared by the petitioners by 31.03.2022.

9. Upon the same being done, the bank shall not proceed in the matter with regard to taking any steps for recovery of the amount under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



10. In the meantime, the respondent-bank shall proceed with the e-auction scheduled for 29.12.2021, but there shall be no confirmation of sale and in the event, the petitioners default in making the payment as per the schedule indicated above, it shall be open to the bank to proceed with further steps pursuant to the said e-auction.

11. As the order has been passed on the stand taken by the learned counsel for the petitioners, any violation of the same would also be seen as breach of undertaking to the Court.

12. Further, in case of default in making payment as per the schedule indicated above, it shall be open to the respondent-bank to proceed with regard to recovery of the outstanding amount in accordance with law.

13. Miscellaneous petitions, if any pending, also stand disposed of.

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**(AHSANUDDIN AMANULLAH,J)**

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**(B. S. BHANUMATHI,J)**

CC by 28.12.2021

B/o. MP



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**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Ms. JUSTICE B. S. BHANUMATHI**

**WRIT PETITION No.29661 OF 2021**

Date : 27-12-2021



MP