Reportable/Non-Reportable

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT KOLKATA(Camp Court Hyderabad)

HON'BLE MR. JUSTICE ANIL KUMAR SRIVASTAVA
CHAIRPERSON

Misc. Appeal No. 29 of 2026
(Arising out of I.A. 3637 of 2025 in S.A. No. 207 of 2023 in DRT-II, Hyderabad)

1. Union Bank of India, represented by its Authorised Officer, Puttaparty, House No. 3-375, Near Prasanthinilayam North Gate, Gopuram Street, Puttaparathy 515134, Ananthapur District (A.P.)

2. Union Bank of India, represented by its Assistant General Manager, Puttaparty, House No. 3-375, Near Prasanthinilayam North Gate, Gopuram Street, Puttaparathy 515134, Ananthapur District (A.P.)

....Appellants

-Versus-

1. M/s. Vardhan Sai Motors, Proprietorship concern, represented by its Proprietor Smt. Dachiraju Nagamani, T.V.S. Show Room, Main Road, Ganbesh Circle Yenumulapalli, Puttaparthy 515134, Anantapur District, A.P.

2. Smt. Dachiraju Nagamani, wife of D. Suuba Raju, resident of Door No. 3-514, Samadhi Road, Puttaparthy, 515134, Anantapuram Districty, A.P.

3. Dachiraju Subba Raju, Son of Sri D. Subba Rama Raju resident of Door No. 3-514 Samadhi Road, Puttaparthy 515134, Anantapur District, A.P.

....Respondents

Counsel for Appellants	Mr. Dipanjan Dutta, Mr. Subhojit Chowdhury
Counsel for Respondents	Mr. Nemani Srinivas

JUDGMENT : 28th April, 2026

THE APPELLATE TRIBUNAL :

The instant Appeal is preferred against the order and judgement dt.11.12.2025 passed by Ld. DRT-II, Hyderabad in I.A. 3637 of 2025 arising out of SA. 207 of 2023 whereby the Ld. DRT restrained the Bank from proceeding further with respect to schedule properties.

2. The action of the Appellant Bank in issuing E-Auction Sale Notice dt.14.11.2025 fixing the e-auction on 11.12.2025 in respect of SA schedule 1 & 3 properties was challenged by the Respondents herein by preferring an application u/s 17 of the SARFAESI Act, 2002 wherein stay of auction was granted at interim stage by Ld. DRT-II Hyderabad.

3. As far as facts and pleadings of the matter are concerned, it appears that OA.889/2018 was filed by the Appellant bank against its borrowers which was ultimately disposed of by Ld. DRT-II Hyderabad on 16.05.2025 wherein apart from other reliefs, a finding is recorded that there is no valid mortgage with respect to Item No.1 & 3 schedule properties. The Bank initiated action under the SARFAESI Act with respect to Item Nos.1 & 3 properties although, there is a finding of the Ld. DRT in the OA proceedings with respect to the same. DRT on the basis of finding in OA proceedings, passed interim order restraining the bank from proceeding further with respect to Item Nos.1 & 3 schedule properties which is under challenge in this appeal.

4. The Appeal is preferred against the order and judgement of the OA No. 1883 of 2018 along with an application u/s 5 of the Limitation Act by the Bank which is disposed of today wherein the application Under section 5 of the Limitation Act is dismissed. Accordingly, Appeal is also disposed of as time barred. Consequently, the judgement of the DRT dt.16.05.2025 in OA proceedings attained finality. Now there is a finding regarding secured assets i.e. Item Nos.1 & 3 of SA schedule properties to the effect that there is no valid mortgage on the basis of the order passed in O.A. Ld. DRT passed an interim order and SA is yet to be finally disposed of.

5. In view of the above facts and circumstances, I do not find any ground to interfere with the impugned order dated 11.12.2025 passed by Ld. DRT-II Hyderabad. Accordingly, Appeal lacks merit and is liable to be dismissed.

ORDER

Appeal being Misc. Appeal No. 29 of 2026 is dismissed. Impugned order dated 11.12.2025 passed by Ld. DRT-II Hyderabad is confirmed. However, Ld. DRT-II Hyderabad is expected to decide the pending S.A. as expeditiously as possible within three months after giving an opportunity to the parties for hearing in accordance with law. Parties are directed to appear before Ld. DRT-II, Hyderabad on 10.06.2026.

File be consigned to record room.

Copy of the judgement/final Order be uploaded in the Tribunal's website.

Order dictated, signed and pronounced by me in the open Court on this the 28th day of April, 2026

(Anil Kumar Srivastava,J)
Chairperson

Dated 28th day of April, 2026