

APHC010423182026



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

MONDAY, THE 17th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 23330 OF 2026

Between:

1. Smt.Kanuru Sowbhagya Lakshmi Kutumba Kumari, W/o. Koteswara Rao,
Aged about 63 years, Occ House Wife, R/o.D.No.60-22-13, Near SBI No.1
Colony, Vijayawada, NTR District.

...Petitioner

AND

1. The Debt Recovery Tribunal, Visakhapatnam, Visakhapatnam District,
Rep by its Registrar. 530002

2. Cosmos Cooperative Bank Limited, D.No.39-10-19, Veterinary hospital
Road, Labbipet, Vijayawada, NTR District Rep by its Authorized Officer
520010

3. Bridge Cap Hospitality Private Limited, D.No.5-9-22/8A, Adarsha Nagar,
Hyderabad, TS Rep by its Director 500063

...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 toto issue a writ, order or direction more particularly one in the nature
of writ of Mandamus to direct the Respondent No.1 Tribunal to dispose of

Securitization Application No.403 / 2024 filed by the Petitioner at the earliest by advancing the date of hearing in the interest of justice.

Counsel for the Petitioner: P NAGENDRA REDDY

Counsel for the Respondents:

The Court made the following order:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

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ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

Heard the learned counsel for the petitioner and perused the material available on record.

2. Learned counsel for the petitioner submits that the petitioner stood as guarantor for the loan availed by the 3rd respondent from the 2nd respondent. As the 2nd respondent initiated S.A.R.F.A.E.S.I proceedings, the petitioner filed S.A.No.403 of 2024 before the Debts Recovery Tribunal, Visakhapatnam on 07.08.2024 against the E-auction Sale Notice, dated 15.10.2024. Thereafter, the said case was adjourned several times. Learned counsel for the petitioner contends that though S.A.No.403 of 2024 was filed in the year 2024, the Debts Recovery Tribunal, Visakhapatnam is not disposing of the said S.A. Aggrieved by the action of the Debts Recovery Tribunal, Visakhapatnam in not disposing of the S.A filed in the year 2024, the petitioner has approached by this Court by filing this Writ Petition.

3. Having considered the submissions of the learned counsel for the petitioner, for proper adjudication of the issue involved in this Writ Petition, in our considered view, it is appropriate to look into the relevant provisions of the S.A.R.F.A.E.S.I Act. Section 17(5) of the said Act reads as follows:-

17(5) Any application made under sub-section (1) shall be dealt with by the Debts Recovery Tribunal as expeditiously as possible and disposed of within sixty days from the date of such application:

Provided that the Debts Recovery Tribunal may, from time to time, extend the said period for reasons to be recorded in writing, so, however, that the total period of pendency of the application with the Debts Recovery Tribunal, shall not exceed four months from the date of making of such application made under sub-section (1).

4. On bare perusal of Section 17(5) of the S.A.R.F.A.E.S.I Act, it is clear that Debt Recovery Tribunal shall deal with an application filed under Section 17(1) of the S.A.R.F.A.E.S.I Act as expeditiously as possible and shall dispose of the same within a period of sixty (60) days from the date of the said application. The Debts Recovery Tribunal may extend the said period by recording the reasons in writing from time to time. But, however, the total period of pendency of application before the Debts Recovery Tribunal shall not exceed four (4) months from the date of making the said application.

5. Admittedly, in the present case, S.A.No.403 of 2024 was filed by the petitioner on 07.08.2024 and the time stipulated under Section 17(5) of the S.A.R.F.A.E.S.I Act already expired. The Debts Recovery Tribunals should strictly follow the time frame stipulated under the S.A.R.F.A.E.S.I Act in the interest of the stake holders.

6. In view of the same, in our considered view, it is appropriate and desirable to dispose of this Writ Petition at the stage of admission without

going into the merits of the case with certain direction to the Debts Recovery Tribunal to meet the ends of justice.

7. Accordingly, this Writ Petition is disposed of with a direction to the Debts Recovery Tribunal, Visakhapatnam to dispose of S.A.No.403 of 2024 forthwith by following due process of law.

8. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Dated: 17.08.2026

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THE HONOURABLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 23330 OF 2026

Dated: 17.08.2026

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