APHC010569122026

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

FRIDAY, THE 23rd DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 30991 OF 2026

Between:

1. M/s Raj Kamal Enterprises,, Rep. by its Proprietor Gottipati Venkateswara Rao, S/o Ranga Rao, D. No. 3-30/2, NH-5, Near Bypass, Old Tolegate, Chidimella, Eluru, West Godavari District-534002.
2. Gottipati Venkateswara Rao,, S/o Ranga Rao, aged about 54 years Occ. business, D. No. 3-30/2, NH-5, Near Bypass, Old Tolegate, Chidimella, Eluru, West Godavari District-534002.
3. Gottipati Ratna Kumari,, W/o Gottipati Venkateswara Rao, aged 45years, occ business D. No. 3-30/2, NH-5, Near Bypass, Old Tolegate, Chidimella, Eluru, West Godavari District-534002.
4. Vadlapudi Nirmala, W/o Venkateswara Rao, aged about 64 years, occ. house wife D.No. 1-139, Bhogapuram, near Vignan Global School, West Godavari District-534002.
5. Guthikonda Janardhana Rao,, S/o Sambasiva Rao, aged 64 years, Occ business, D. No. 12-7A, KVR Colony, Enikepadu, Vijayawada, Krishna District, Andhra Pradesh-521102.

...Petitioners

AND

1. Shriram Finance Limited, Rep by its The Authorised Officer, Level-3, Wockhardt Towers, East Wing, C-2 Block, Bandra Kurla Complex, Bandra East, Mumbai - 400051.
2. Shriram Finance Limited, Rep. by its The Branch Manager, D.No. 22B-13-8, 2nd Floor, Venkata Rama Power Press Road, Opposite Central Bank, Powerpeta, Eluru Andhra Pradesh-534002.
3. The Debt Recovery Tribunal, Rep By its Registrar, Chitralaya Road Near Leelamahal Road, Daba Gardens Jagadamba Junction, Visakhapatnam Andhra Pradesh-530 020

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proceeding with the e-auction scheduled on 23.10.2026 pursuant to the Intended Sale Notice dated 23.09.2026, without complying with the mandatory statutory requirements under Sections 13(2), 13(4) and 13(8) of the SARFAESI Act, 2002, read with Rules 8(1), 8(2), 8(5), 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002, particularly with regard to service of statutory notices, prescribed notice period, valuation and fixation of reserve price, and notwithstanding the pendency of the petitioners' Securitisation Application and interim application before the Debts Recovery Tribunal, Visakhapatnam, which could not be taken up for hearing due to the temporary unavailability of the Presiding Officer, as illegal, arbitrary, contrary to the aforesaid statutory provisions and violative of Articles 14 and 300-A of the Constitution of India, and consequently restrain the respondents from proceeding with the e-auction scheduled on 23.10.2026 pursuant to the Intended Sale Notice dated 23.09.2026 until consideration of the petitioners' pending interim application by the Debts Recovery Tribunal, Visakhapatnam.

IA NO: 1 OF 2026

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 the operation of the Intended Sale Notice Dated 23.09.2026 and restrain the respondents from conducting the e auction scheduled on 23.10.2026 in respect to the petitioners' secured properties pending consideration of the petitioners' interim application in the Securitization Application before the Debts Recovery Tribunal, Visakhapatnam.

Counsel for the Petitioners: SRI SUDHESHNA YAKKALA

Counsel for the Respondents: SRI O UDAY KUMAR STANDING COUNSEL

The Court made the following order:

APHC010569122026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3638]
(Special Original Jurisdiction)

FRIDAY, THE 23rd DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 30991/2026

Between:

1. M/S RAJ KAMAL ENTERPRISES,, REP. BY ITS PROPRIETOR GOTTIPATI VENKATESWARA RAO, S/O RANGA RAO, D. NO. 3-30/2, NH-5, NEAR BYPASS, OLD TOLEGATE, CHIDIMELLA, ELURU, WEST GODAVARI DISTRICT-534002.

2. GOTTIPATI VENKATESWARA RAO,, S/O RANGA RAO, AGED ABOUT 54 YEARS OCC. BUSINESS, D. NO. 3-30/2, NH-5, NEAR BYPASS, OLD TOLEGATE, CHIDIMELLA, ELURU, WEST GODAVARI DISTRICT-534002.

3. GOTTIPATI RATNA KUMARI,, W/O GOTTIPATI VENKATESWARA RAO, AGED 45YEARS, OCC BUSINESS D. NO. 3-30/2, NH-5, NEAR BYPASS, OLD TOLEGATE, CHIDIMELLA, ELURU, WEST GODAVARI DISTRICT-534002.

4. VADLAPUDI NIRMALA, W/O VENKATESWARA RAO, AGED ABOUT 64 YEARS, OCC. HOUSE WIFE D.NO. 1-139, BHOGAPURAM, NEAR VIGNAN GLOBAL SCHOOL, WEST GODAVARI DISTRICT-534002.

5. GUTHIKONDA JANARDHANA RAO,, S/O SAMBASIVA RAO, AGED 64 YEARS, OCC BUSINESS, D. NO. 12-7A, KVR COLONY, ENIKEPADU, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH-521102.

...PETITIONER(S)

AND

1. SHRIRAM FINANCE LIMITED, REP BY ITS THE AUTHORISED OFFICER, LEVEL-3, WOCKHARDT TOWERS, EAST WING, C-2

BLOCK, BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI - 400051.

2. SHRIRAM FINANCE LIMITED, REP. BY ITS THE BRANCH MANAGER, D.NO. 22B-13-8, 2ND FLOOR, VENKATA RAMA POWER PRESS ROAD, OPPOSITE CENTRAL BANK, POWERPETA, ELURU ANDHRA PRADESH-534002.

3. THE DEBT RECOVERY TRIBUNAL, REP BY ITS REGISTRAR, CHITRALAYA ROAD NEAR LEELAMAHAL ROAD, DABA GARDENS JAGADAMBA JUNCTION, VISAKHAPATNAM ANDHRA PRADESH-530 020

...RESPONDENT(S):

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 toissue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proceeding with the e-auction scheduled on 23.10.2026 pursuant to the Intended Sale Notice dated 23.09.2026, without complying with the mandatory statutory requirements under Sections 13(2), 13(4) and 13(8) of the SARFAESI Act, 2002, read with Rules 8(1), 8(2), 8(5), 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002, particularly with regard to service of statutory notices, prescribed notice period, valuation and fixation of reserve price, and notwithstanding the pendency of the petitioners' Securitisation Application and interim application before the Debts Recovery Tribunal, Visakhapatnam, which could not be taken up for hearing due to the temporary unavailability of the Presiding Officer, as illegal, arbitrary, contrary to the aforesaid statutory provisions and violative of Articles 14 and 300-A of the Constitution of India, and consequently restrain the respondents from proceeding with the e-auction scheduled on 23.10.2026 pursuant to the Intended Sale Notice dated 23.09.2026 until consideration of the petitioners' pending interim application by the Debts Recovery Tribunal, Visakhapatnam,

IA NO: 1 OF 2026

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

Counsel for the Petitioner(S):

1. SUDHESHNA YAKKALA

Counsel for the Respondent(S):

1.

The Court made the following

ORDER (per Hon'ble Sri Justice Tuhin Kumar Gedela)

Declaring the action of the respondents in proceeding with the e-auction scheduled to be held on 23.10.2026 pursuant to the Intended Sale Notice dated 23.09.2026, without following the procedure contemplated under law, as illegal and arbitrary, the present writ petition is filed.

2. Heard Ms. Sudheshna Yakkala, learned counsel for the petitioners and Sri O. Uday Kumar Sarma, learned Standing Counsel for the respondent Bank.

3. Learned counsel for the petitioners submits that the e-auction pursuant to the sale notice is scheduled to be held today, i.e., on 23.10.2026, and that, ventilating their grievance, the petitioners/borrowers have already approached the learned Debts Recovery Tribunal by filing S.A. No. 724 of 2026 along with an application seeking stay of the auction proceedings. Further, learned counsel placed on record the office order bearing F.No.2/6/DRAT/Kol/2022/901, dated 15.10.2026, stating that the Presiding Officer for the learned Debts Recovery Tribunal (DRT), Visakhapatnam, is on leave from 19.10.2026 to 23.10.2026. The said office order is taken on record.

4. The issue involved in the present case is required to be examined by the learned Debts Recovery Tribunal, being the competent forum under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the Act").

5. For better adjudication of the matter, Section 17(5)(6) of the Act reads as follows:

"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).

(6) If the application is not disposed of by the Debts Recovery Tribunal within the period of four months as specified in sub-section (5), any party to the application may make an application, in such form as may be prescribed, to the Appellate Tribunal for directing the Debts Recovery Tribunal for expeditious disposal of the application pending before the Debts Recovery Tribunal and the Appellate Tribunal may, on such application, make an order for expeditious disposal of the pending application by the Debts Recovery Tribunal."

6. Considering the urgency ventilated and the fact that the e-auction is scheduled to be held today, we are of the *prima-facie* opinion that the interest of justice would be served by directing the learned DRT to dispose of the Stay application filed along with S.A.No.724 of 2026, in accordance with the Section 17 of the SARFAESI Act, within a period of two (02) weeks from the date of receipt of a copy of this order. Till such time, the respondents shall maintain *status-quo* in all respects in respect of the property mentioned in the writ affidavit and in the sale notice.

7. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/- P.S.V.R. SEKHAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Authorised Officer, Shriram Finance Limited, Level-3, Wockhardt Towers, East Wing, C-2 Block, Bandra Kurla Complex, Bandra East, Mumbai - 400051.
2. The Branch Manager, Shriram Finance Limited, D.No. 22B-13-8, 2nd Floor, Venkata Rama Power Press Road, Opposite Central Bank, Powerpeta, Eluru Andhra Pradesh-534002.
3. The Registrar, Debt Recovery Tribunal, Chitralaya Road Near Leelamahal Road, Daba Gardens Jagadamba Junction, Visakhapatnam Andhra Pradesh-530 020
4. One CC to Sri. Sudheshna Yakkala Advocate [OPUC]
5. One CC to Sri. O Uday Kumar, Standing Counsel [OPUC]
6. Two CD Copies

HIGH COURT

DATED:23/10/2026

ORDER
WP NO. 30991 OF 2026

DISPOSING OF THE WP, WITHOUT COSTS

