APHC010518822026

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

THURSDAY, THE 1st DAY OF OCTOBER 2026

PRESENT

WRIT PETITION NO: 28338 OF 2026

Between:

1. Bank of Baroda, Amaravathi Road Branch, situated at Hindu College of Pharmacy Campus, Amaravati Road, Babu Jagjivan Ramnagar, Nagaral, Velangini Nagar, Guntur, Andhra Pradesh 522 007, Represented by its Authorised Officer Sri K.Venkata Ramana Rao, S/o Late Sri K.Somaiah, Aged 46 years, occ. Chief Manager, R/o Guntur.

...Petitioner

AND

1. The Debts Recovery Tribunal, Visakhapatnam, represented by its Registrar, situated at Nos. 54, 31- 32- 54, Chitralaya Road Near Leelamahal Road, Daba Gardens, Jagadamba Junction, Visakhapatnam, Andhra Pradesh 530004

2. Sai Lakshmi Traders, Represented by its Managing Partner, Sri Tanniru Srihari, S/o Ankaammarao, D.No.5-37, Teachers Colony, G.B.C. Road, Kasukarru, Ponnur, Ponnur Mandal, Guntur District-522124

3. Sri Tanniru Srihari, S/o Sri Ankaammarao, Aged Major, Occ Business, Managing Partner of M/s. Sai Lakshmi Traders, D.No.5-37, Teachers Colony, G.B.C. Road, Kasukarru, Ponnur, Ponnur Mandal, Guntur District-522124.

...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 topleased to issue writ or order or direction, more so in the nature of writ of certiorari calling for the records relating to the order dated 16.09.2026 passed by 1 St respondent-Debts Recovery Tribunal, Visakhapatnam in I.A. No.2999 of 2025 in S.A. No.320 of 2025 and quash/set aside the orders insofar as it directs the Petitioner Bank to receive Rs.3,63,08,000/- from the owner/borrower and return Property No.1, Items 1 and 2 of the sale notice, by declaring that the Respondents 2 and 3 borrowers cannot claim restoration/release of the secured property merely upon depositing the earlier auction bid amount of Rs.3,63,08,000/-withoutsatisfying the entire amount legally due and payable to the Petitioner Bank, subject to the rights and remedies available to the parties under law, and consequently permit the Petitioner Bank to proceed with the recovery/enforcement proceedings in respect of the secured assets in accordance with law pass

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 pleased to grant interim stay of all further proceedings pursuant to the impugned order dated 16.09.2026 passed in IA.No. 2999 of 2025 in SA. 320 of 2025 passed by the Respondent No.1-Tribunal and/or pass

Counsel for the Petitioner: M SRINIVAS

Counsel for the Respondents:

The Court made the following order:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 28338 OF 2026

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

This writ petition is filed against the order dated 16.09.2026 passed by the Debts Recovery Tribunal, Visakhapatnam in I.A.No.2999 of 2025 in S.A.No.320 of 2025.

2. The petitioner is secured creditor. The S.A.No.320 of 2025 was filed by the 2nd respondent-borrower to declare that all the measures initiated by the authorized officer or secured creditor under Sub Section 4 of Section 13 in pursuant to e-auction dated 13.05.2025 published on 14.05.2026 and conducted e-auction on 05.6.2026 in respect of the scheduled properties as invalid and seeking to set aside the sale certificate.

3. In the said Securitisation Application, the borrower filed I.A.No.2999 of 2025 seeking to permit him to deposit the sale amount of Rs.3,63,08,000/- with the secured creditor within two (02) weeks in order to redeem the schedule property i.e., item Nos.1 and 2 of sale notice in the interest of justice.

4. After hearing both sides, the Debts Recovery Tribunal, Visakhapatnam, having considered the fact that the respondent-bank fixed reserve price of Rs.3,62,88,000/- and issued sale notice and sold the property for Rs.3,63,08,000/- and admittedly the bank has returned the said amount to the

auction purchaser, and as the borrower is ready to pay the said sale amount of Rs.3,63,08,000/-, the tribunal directed the respondent-bank to receive the sale amount of Rs.3,63,08,000/- from the borrower and returned property No.1 (Item Nos.1 and 2) of sale notice. Tribunal also made it clear that bank may proceed with auction of the remaining schedule property to realize the remaining dues as per law. Aggrieved by this order, the secured creditor/bank filed this writ petition.

5. Admittedly, the order passed by the DRT, Visakhapatnam dated 16.9.2026 in I.A.No.2999 of 2025 is an appealable order. It appears that the petitioner without exhausting the alternative remedy of appeal directly approached this Court by filing this writ petition.

6. It is settled law that as and when alternative statutory remedy is available, the Courts should not entertain writs under Article 226 of Constitution of India, unless the order under challenge is passed on certain grounds i.e., statutory violation, malice, without jurisdiction or violation of principles of natural justice. In the present case, no such grounds are available.

7. In view of the same, the petitioner ought to have approached the Debts Recovery Appellate Tribunal by invoking Section 21 of the Recovery of Debts and Bankruptcy Act, 1993. Hence, without expressing any opinion on merits of the case, we are disposing this writ petition granting liberty to the petitioner

to approach the appellate authority to ventilate its grievance. There shall be no order as to costs.

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

BATTU DEVANAND, J

TUHIN KUMAR GEDELA, J

Dated:01.10.2026

TJN

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THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 28338 OF 2026

Dated: 01.10.2026

TJN

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

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PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01	01.10.2026	**DEV,J & GTK,J** This writ petition is disposed of. (Vide Separate Order) **DEV, J** **GTK,J** TJN	