

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 21471 OF 2024

Between:

1. K. Premsagar Rao, S/o. K. Raghupathi Rao, Aged about 59 Years, Occ. Business, R/o. H.No.1-8-505, Registrar Office Road, Prakash Nagar, Begumpet, Secunderabad - 500 016.
2. S. Satyanarayana Rao, S/o. S. Rajeshwara Rao, Aged about 49 Years, Occ. Business, R/o. H.No.1-8-505, Registrar Office Road, Prakash Nagar, Begumpet, Secunderabad 500 016.
3. K.R.V. Uday Charan Rao, S/o. K. Prem Sagar Rao, Aged about 39 Years, Occ. Business, R/o. H.No.1-8-505, Registrar Office Road, Prakash Nagar, Begumpet, Secunderabad - 500 016.
4. Smt. K. Surekha, W/o. K. Premsagar Rao, Aged about 54 Years, Occ. Housewife, R/o. H.No.1-8-505, Registrar Office Road, Prakash Nagar, Begumpet, Secunderabad - 500 016.
5. K. Venkata Rama Rao, S/o. K. Gopala Rao, Aged about 55 Years, Occ. Business, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad 500 016
6. Smt. E. Supraja, W/o. E. Vivekananda, Aged about 42 Years, Occ. Housewife, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad - 500 016.
7. Smt. M. Padmaja, W/o. M. Sudhir Rao, Aged about 45 Years, Occ. Housewife, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad 500 016.
8. N. Ram Mohan, S/o. N. Shankaraiah, Aged about 56 Years, Occ. Business, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad 500 016.
9. Smt. K. Roja Ramani, W/o. K. Satyapal Rao, Aged about 48 Years, Occ. Housewife, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad 500 016.
10. Ch. Mahender Rao, S/o. Ch. Mukund Rao, Aged about 56 Years, Occ. Business, R/o. H.No.1-8-505/10/1, Registrar Office Road, Backside Razack Gadh, Prakash Nagar, Begumpet, Secunderabad 500 016
11. M/s. Bhagyanagar Hotels Private Limited, Represented by its Director, S. Satyanarayana Rao, having office at H.No.1-8-333 and 334, A-Wane, Opposite Police Lines, Begumpet, Secunderabad 500 016

...PETITIONERS

AND

1. Bank of India, Asset Recovery Branch, 2nd floor, PTI Building, AC Guards, Hyderabad 500 004

2. Punjab National Bank, represented by its Assistant General Manager, LCB, Sufi Branch, Road No. 1, Banjara Hills, Hyderabad 500 034.
3. Canara Bank (earlier Syndicate Bank), Represented by its Asst. General Manager, R.P. Road Branch, Secunderabad 500 003
4. M/s Sainath Estates Private Limited, Having its office at 1-8-333 and 334, A Wane, Opp.. Police Lines, Begumpet, Secunderabad 500 016 (Through Resolution Professional, Dr. K.V. Srinivas, R/o. H.No.3-4-756/1, Flat No. 402, 4th floor, Sri Raghavendra Residency, Barkatpura, Hyderabad 500 027.

...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 a writ or order or direction, more preferably in the nature of writ of mandamus declaring the action of the Debt Recovery Appellate Tribunal at Kolkata in dismissing the Misc. Appeal Dy. No. 418 of 2024 at the admission stage itself without considering any of the facts, as highly illegal, arbitrary and unconstitutional being violative of Articles 14 and 21 of the Constitution of India, violative of the provisions of Insolvency and Bankruptcy Code, 2016 and also violative of principles of natural justice and consequently stay all further proceedings in O.A. No. 902 of 2018 on the file of Hon'ble Debt Recovery Tribunal, Hyderabad Bench -II by setting aside the order dated 18/06/2024 in Misc. Appeal Dy. No. 418 of 2024 passed by the Hon'ble Debts Recovery Appellate Tribunal at Kolkata.

IA NO: 1 OF 2024

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 all further proceedings in Q.A. No. 902 of 2018 on the file of Hon'ble Debt Recovery Tribunal, Hyderabad Bench — II by suspending the operation and effect of the order dated 18-06-2024 in Misc. Appeal Dy. No. 418 of 2024 passed by the Hon'ble Debts Recovery Appellate Tribunal at Kolkata, pending disposal of the Writ Petition.

Counsel for the Petitioners: SRI P. PRATAP

Counsel for the Respondents: ----

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.21471 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. P.Pratap, learned counsel for the petitioners.

2. Learned counsel for the petitioners seeks leave of this Court to withdraw the writ petition.

3. The Writ Petition is, therefore, dismissed as withdrawn.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR


SECTION OFFICER

To,
1. One CC to Sri P. Pratap, Advocate [OPUC]
2. Two CD Copies

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GJP

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HIGH COURT

DATED:09/09/2024

ORDER

WP.No.21471 of 2024



DISMISSING THE WRIT PETITION AS WITHDRAWN
WITHOUT COSTS.

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Sm
28/10/24