

APHC010569252026

**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI**

[3638]



WRIT PETITION NO: 31004 of 2026

Tatavarthi Naga Venkata Ram Kumar

...Petitioner

Vs.

The Union Of India and Others

...Respondent(s)

**CORAM : SRI JUSTICE T.C.D.SEKHAR
SRI JUSTICE TUHIN KUMAR GEDELA**

DATE : 23th October 2026

Present :

Advocate for Petitioner: SINGAMSETTY V.M. SANKAR

Advocate for Respondent:

The Court made the following:

ORDER:- (per Justice Tuhin Kumar Gedela)

1. Heard Mr. S.V.Maruti Sankar, learned counsel for the petitioner, and Mr.C.V.S.S.Sarma, learned counsel representing Sri O.Uday Kumar, learned counsel for the respondents, appeared through virtual mode.

2. Considering the submissions and the facts and circumstances of the case, the precise argument advanced by the learned counsel for the petitioner is that the facts stated are not in dispute. His main contention is that the petitioner approached the Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') on 21.10.2026, and the same was listed on 27.10.2026.

3. He would submit that the petitioner, being the borrower, availed an Enterprise Finance Loan of Rs.50,00,000/- from Shriram City Union Finance Limited and subsequently committed default in repayment of the loan. Pursuant thereto, notices under Sections 13(2) and 13(4) of the SARFAESI Act were issued to the petitioner, and subsequently, a sale notice was issued on 17.09.2026 through paper publication. Learned counsel further argued that date of e-auction was scheduled for 23.10.2026 and since there is an efficacious statutory remedy available under the SARFAESI Act, the petitioner approached the Tribunal seeking stay of e-auction dated 23.10.2026 and to ventilate his grievance regarding the alleged infractions and procedural lapses under the SARFAESI Act. He further submitted

that the very purpose of filing the application will be frustrated, if no interim orders are passed in the present writ petition. Since the Tribunal is not functioning on account of the Presiding Officer being on leave, the petitioner is unable to obtain interim orders. To substantiate his contention regarding the non-functioning of the Tribunal, he placed before this Court the instructions issued by the Government on 15.10.2026, which read as follows:

“In Pursuance of DRAT, Kolkata’s Office Order No.1/7/DRAT/Kol/2024/106 dated 19.02.2025 and with the approval of the Hon’ble Chairperson, DRAT, Chennai (in-charge of DRAT, Kolkata), Ld. Presiding Officer DRT-Siliguri will be Link Officer in respect of DRT-I, Hyderabad, DRT-II Hyderabad and DRT-Visakhapatnam during the period from 19.10.2026 to 23.10.2026 as all the three Ld. Presiding Officers will be on leave during the period stated above.”

4. Without going into the merits of the case, as it is apparent from the record that the petitioner has approached the Tribunal and the matter is pending adjudication, this Court, in the interest of justice, deems it appropriate to dispose of the writ petition by directing the Tribunal to adjudicate and dispose of the stay application filed along with S.A. No. 725 of 2026, in accordance with Section 17 of the SARFAESI Act. As the e-auction was scheduled for today, i.e., 23.10.2026, and in view of the urgency expressed, the respondents are directed not to take any coercive steps, more particularly in respect of the schedule

property mentioned in the sale notice dated 17.09.2026, for a period of two weeks from the date of receipt of a copy of this order.

5. Resultantly, this writ petition is disposed of directing the Debts Recovery Tribunal to adjudicate and pass orders in the stay application filed in S.A.No.725 of 2026, as expeditiously as possible preferably within a period of two (2) weeks. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.C.D.SEKHAR

JUSTICE TUHIN KUMAR GEDELA

Date:23.10.2026
JLV/LSP

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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

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