

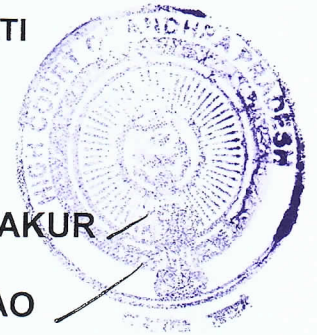
[3446]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR
AND
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



WRIT PETITION NO: 16780 OF 2025

Between:

1. Shri Bathina S S Malleswar Rao, S/o Paradesi Bathina R/o 26-7-7, Chinna Gantyada, Gajuwaka, Visakhapatnam - 530026
2. Shri R.V. Chandramouli Prasad, S/o Late VPR Reddy, R/o Door No.1-55-2/1, Plot No.39, Sector-1, MVP Colony, Vishakhapatnam, Andhra Pradesh-530017

Petitioners

AND

1. IDBI BANK LIMITED, Represented by its Branch Manager D.No. 46-22-11, KSR Complex, Danavaipeta, Park, Rajahmundry - 523001 Having its corporate office at IDBI Tower, WTC Complex, Cuffe Parade, Mumbai - 400005
2. The Authorized Officer, IDBI Bank Limited,, Mangalagiri Complex, VIP Road Siri Puram, Visakhapatnam - 530003

Respondents

WHEREAS the Petitioner above named through their Advocate Sri JYOTHI RATNA ANUMOLU presented this 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 with more particularly in the nature of a Writ of Mandamus declaring Letter dated 24.04.2025 bearing Ref IDBI Bank/SUGAM/FY2025-26/RVCP/3652 issued by the Respondents as arbitrary and illegal and consequently direct the Respondents to act and give effect to the One Time

Settlement Offer Letter dated 25.09.2024 by issuance of the Sanction Letter/
Letter of Approval .

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri JYOTHI RATNA ANUMOLU Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Branch Manager , IDBI BANK LIMITED, D.No. 46-22-11, KSR Complex, Danavaipeta, Park, Rajahmundry - 523001 Having its corporate office at IDBI Tower, WTC Complex, Cuffe Parade, Mumbai - 400005
2. The Authorized Officer, IDBI Bank Limited,, Mangalagiri Complex, VIP Road Siri Puram, Visakhapatnam – 530003.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should not be admitted on or before 07.08.2025 or to which date the case stands posted for hearing.

IA NO: 1 OF 2025

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 suspend any further proceedings in CrI.M.P. No. 1741/2019 pending before Ld. CMM, Vishakhapatnam, SA No.286/2019 pending before the Ld. DRT, Vishakhapatnam and/or any other proceedings arising out of the Possession ~~✓~~ Notice dated 04.07.2017; and to grant the Petitioners an expeditious hearing, pending disposal of WP No. 16780 of 2025, on the file of the High Court.

The Court made the following: ORDER

"The petitioners challenge the communication, dated 24.04.2025, issued by the respondent Bank whereby the one time settlement offer was revoked.

It is stated that pursuant to Sugam Rinn Bhugtan Yojana [SUGAM] Scheme of the Bank regarding one time settlement, the petitioners approached the Bank for one time settlement in regard to five loan accounts.

According to the communication, dated 25.09.2024, issued by the Bank in terms of the aforesaid Scheme, the petitioners were required to make an offer for settlement along with a payment representing at least 10% of the tentative settlement amount on or before 31.12.2024 to confirm the willingness of the petitioners.

The tentative settlement amount was fixed at Rs.99,99,952/- in regard to loan account bearing No.031655100000392. The petitioner claims that in regard to this loan account, the petitioner paid an amount of Rs.20,00,000/- before the prescribed date i.e., 31.12.2024 and also offered his willingness to settle the account before the cut-off date which was fixed as 31.12.2024.

It is stated that without assigning any reasons, by virtue of the impugned communication, dated 24.04.2025, the O.T.S proposal has been rejected.

It is also stated that proceedings have been initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to dispossess the petitioners from the secured asset which is also a secured asset in regard to the remaining four loan accounts in respect of which the application for settling the cases under the O.T.S scheme is still pending.

What is urged by learned Senior Counsel, Mr. N. Subba Rao, is that the Bank having followed the mandate of the SUGAM Scheme could not have arbitrarily rejected the offer of one time settlement when all the

requisite conditions which were otherwise required to be fulfilled as per the Scheme had been complied with.

Notice returnable in four weeks.

Service of personal notice is permitted.

List on 07.08.2025.

In the meantime, status quo be maintained with regard to the possession of the petitioners in regard to the secured asset.”

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Branch Manager , IDBI BANK LIMITED, D.No. 46-22-11, KSR Complex, Danavaipeta, Park, Rajahmundry - 523001 Having its corporate office at IDBI Tower, WTC Complex, Cuffe Parade, Mumbai - 400005
2. The Authorized Officer, IDBI Bank Limited,, Mangalagiri Complex, VIP Road Siri Puram, Visakhapatnam – 530003.(Nos. 1 and 2 by RPAD- along with a copy of petition and affidavit)
3. One CC to SRI. JYOTHI RATNA ANUMOLU Advocate [OPUC]
4. Two spare copies.

psk

HIGH COURT

HC,J &
RRR,J

DATED:10/07/2025

LIST ON 07.08.2025

NOTICE BEFORE ADMISSION

WP.No.16780 of 2025

STATUS QUO

