

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

W.P.No.20814 OF 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
03.	12.08.2025	<u>JS,J:</u> <u>I.A.No.1 of 2025</u> Dispensed with. _____ JS,J <u>I.A.No.3 of 2025</u> This application is filed seeking to implead respondent No.4 – Central Bank of India, in the writ petition. Learned Senior Counsel appearing for the petitioners submits that due to the loss incurred in the business, the petitioners have become Non Performing Assets and approached the Bank on 13.04.2016 for OTS. On 02.12.2016, the Central Bank of India filed O.A for recovery of loan amount. On 17.06.2020, the Central Bank has sent an offering letter under Special OTS Scheme 2020-2021 of Non Performing Assets of loan amount. The petitioners have availed benefit of special OTS Scheme. In lieu of compromising the matter, the Bank has issued No Due Certificates to the petitioners on 15.12.2023.	

		In view of the reasons stated above, since the party respondent – Bank is necessary party to the writ petition, I.A.No.3 of 2025, seeking to implead party respondent as respondent No.4 – Bank is allowed. Accordingly, this application is ordered. Registry is directed to carry out necessary amendments in the writ petition as well as interlocutory applications, if any. _____ JS,J <u>W.P.No.20814 of 2025</u> Learned Senior Counsel appearing for the petitioners submits that the petitioners have availed loan from the 4th respondent – Bank in the year 2014 and loan accounts were declared as Non Performing Assets. The petitioners have applied for OTS on 13.04.2016. Thereafter, the Bank has sent another letter offering Special OTS Scheme 2020-21 of Non Performing Assets of loan amount and availed benefit of special OTS Scheme. In lieu of compromise, the 4th respondent – Bank issued No Due Certificate on 15.12.2023. Learned Senior Counsel further submits that though the loan accounts were closed in the year 2021, the 3rd respondent, for the reasons best known, has initiated proceedings in Ref.No.ECIR No.VKSZO/04/2021, dated 19.03.2021. Much later point of time, the	
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		petitioner's settlement with the 4th respondent – Bank, the charge sheet is already filed and numbered as S.C.M.U.No.6 of 2025. The learned counsel for the petitioner by relying on Para Nos.34 and 35 of the judgment passed by the Hon'ble Supreme Court in <i>K. Bharathi Devi & Another Vs. State of Telangana & Another</i>, reported in MANU/SC/1083/2024, wherein it was held that since the dispute was settled between the petitioners and the 4th respondent – Bank, initiation of proceedings against the petitioners is remote and bleak, and sought for dispensing the presence of the petitioners. In view of the above, there shall be an interim direction to the respondents to dispense with the presence of the petitioners in PMLA S.C.M.U.No.6 of 2025 on the file of the I Additional District Judge-Cum-Special Court for PMLA Cases under the Prevention of Money Laundering Act (PMLA), 2002, Visakhapatnam for the present and the petitioners shall appear before the respondents as and when their presence is required. _____ JS,J KAS	
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