

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

THURSDAY, THE FIFTH 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: 24410 OF 2024**

**Between:**

1. M/s. Sri Padmavati Energy Solutions (India) Pvt. Ltd., Rep. by Mr. Umesh Thakral, S/o. Hiralal Thakral, Registered Office at TSIC Blocks, M-183 to M 192, Shop No. 2, Ground Floor, Sri Sainath Complex, Katedhan, Hyderabad-500077, T.S.
2. Mr. Hiralal Thakral, S/o. Late. Shri Gopaldas, Aged about 79 years, Occ. Director of M/S. Sri Padmavati Energy Solutions (India) Pvt. Ltd., R/o. H.No 3-6-67/68/41, B.N. Reddy Complex, Opp.Skyline Theatre, Basheer Bagh Hyderabad-500029, T.S.
3. Mr. Umesh Thakral, S/o. Hiralal Thakral, Aged about 60 years, Occ. Director of M/S. Sri Padmavati, Energy Solutions (India) Pvt. Ltd., R/O. H. No. 3-6-67/68/41, B N Reddy Complex, Opp. Skyline Theatre, Basheer Bagh, Hyderabad - 500029 T.S.
4. Mrs. Shalu Thakral, W/o. Umesh Thakral, Aged about 51 years, Occ. Director of M/S. Sri Padmavati, Energy Solutions (India) Pvt. Ltd., R/o. H. No. 3-6-67/68/41, B N Reddy Complex Opp. Skyline Theatre, Basheer Bagh Hyderabad-500029, T.S.

**...PETITIONERS**

**AND**

1. The Presiding Officer, The Debt Recovery Tribunal-II, First Floor, Triveni Complex, Abids, Hyderabad 500001, T.G.
2. The Axis Bank Ltd., having its Regd. Office at Trishul, Yd Floor, Opp. Samaratheshwar Temple, Law Garden, Ellis Bridge, Ahmedabad - 380006, and having one of its Branch at Corporate Banking Branch 6-3-879/8, 1 st Floor, G Pula Reddy Building Green lands, Begumpet Road, Hyderabad-500016, Represented by its authorized signatory Mr. Tumati Srinivasa Rao S/o. Mr. Tumarti Madhava Rao Age. 47 years, Occ. A.V.P., Corporate Banking, Axis Bank Ltd, R/o. Hyderabad T.S.

**...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, order or direction particularly in the nature of the writ of certiorari, to quash and set aside the order of the Respondent No 1 refusing to exercise jurisdiction in the matter of extension of time for compliance of conditionality in a matter of One Time Settlement of the Respondent No 2 in favour of the Petitioners, under the letter of the Respondent No 2 dated 27-02-2024, in Ref AXIS 3/SAG/SOUTH/2023-24/086, by its order dated 13-08-2024, in I.A.I.R. No. 1924 of 2024 in O.A. No. 150 of 2022, of the Respondent No 1 herein.

**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 order and direct that in the interregnum pending this writ petition this court shall stay all further proceedings O.A. No 150 of 2022 on it file, i.e. the file of the Debt Recovery Tribunal - II Hyderabad T.G.

**Counsel for the Petitioners: SRI SAROSH SAM BASTAWALA**

**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.24410 of 2024

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

Mr. Sarosh Sam Bastawala, learned counsel for the petitioners appears through video conference.

2. In this writ petition, the petitioners *inter alia* have assailed the validity of the order dated 08.08.2024 passed by the Debts Recovery Tribunal-II, Hyderabad (briefly 'the DRT' hereinafter) by which the application filed by the petitioners under Section 19(20A) of the Recovery of Debts and Bankruptcy Act, 1993 (briefly 'the Act' hereinafter), seeking to extend the time for payment of One Time Settlement (OTS) amount to the respondent- Bank by six months, has been rejected.

3. Learned counsel for the petitioners submits that since the DRT has refused to exercise the jurisdiction, this Court must

intervene notwithstanding an alternative remedy provided under Section 20 of the Act.

4. We have considered the submission made by learned counsel for the petitioners.

5. The Supreme Court in **United Bank of India v. Satyawati Tandon**<sup>1</sup> has deprecated the practice of the High Courts in entertaining the writ petitions despite availability of an alternative remedy. The aforesaid view has also been reiterated by the Supreme Court in **Varimadugu Obi Reddy v. B.Sreenivasulu**<sup>2</sup>. The relevant extract of para 36 reads as under:

“36. In the instant case, although the respondent borrowers initially approached the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act, 2002, but the order of the Tribunal indeed was appealable under Section 18 of the Act subject to the compliance of condition of pre-

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<sup>1</sup> (2010) 8 SCC 110

<sup>2</sup> (2023) 2 SCC 168

deposit and without exhausting the statutory remedy of appeal, the respondent borrowers approached the High Court by filing the writ application under Article 226 of the Constitution. We deprecate such practice of entertaining the writ application by the High Court in exercise of jurisdiction under Article 226 of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of pre-deposit contemplated under 2<sup>nd</sup> proviso to Section 18 of the 2002 Act.”

6. The view taken in **Satyawati Tondon** (supra) has been reaffirmed by a three Judge Bench of the Supreme Court in **PHR Invent Educational Society v. UCO Bank**<sup>3</sup>.

7. In view of aforesaid enunciation of law, we are not inclined to entertain the writ petition. However, liberty is reserved to the petitioners to take recourse to the remedy of appeal. In case the petitioners file an appeal within a period of six weeks from today, the Debts Recovery Appellate Tribunal

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<sup>3</sup> 2024 SCC OnLine SC 528

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shall extend the benefit of Section 14 of the Limitation Act, 1963, to them.

8. With the aforesaid liberty, the Writ Petition is disposed of.

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

Sd/- K. SREE RAMA MURTHY  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The Presiding Officer, The Debt Recovery Tribunal-II, First Floor, Triveni Complex, Atids, Hyderabad 500001, T.G.
  2. One CC to Sri Sarosh Sam Bastawala, Advocate [OP JC]
  3. Two CD Copies

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HIGH COURT

HCJ  
&  
JSR,J

DATED:05/09/2024

ORDER

WP.No.24410 of 2024



DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS

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Sm  
23/9/24