
(2026) 02 AP CK 1586
In the Andhra Pradesh High Court
Case No : Writ Petition No. 4013 Of 2026

Mittapalli Agro Enterprices

APPELLANT

Vs

Canara Bank, Arm Branch

RESPONDENT

Date of Decision : 13-02-2026

Acts Referred:

Citation : (2026) 02 AP CK 1586

Hon'ble Judges : Cheekati Manavendranath Roy, J; Venuthurumalli Gopala Krishna Rao, J

Bench : Division Bench

Advocate : Vinod Kumar Pemmasani, T B L Murthy

Final Decision : Disposed Of

Judgement

Cheekati Manavendranath Roy, J

1. Heard Mr. Vinod Kumar Pemmasani, learned counsel for the petitioner, and Mr. T.B.L. Murthy, learned panel advocate of the respondent bank, who is appearing on caveat.

2. In view of the default committed by the petitioner-firm, who is the principal borrower, in repayment of the loan amount, the respondent-bank has initiated measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'). The petitioner has earlier challenged the said measures initiated under the SARFAESI Act by the respondent-bank, by way of filing a Securitisation Application in S.A.No.367 of 2025 before the Debts Recovery Tribunal, Visakhapatnam. But, the said Securitisation Application was dismissed for default. It appears that the petitioner has filed an application to set aside the said order of dismissal of the S.A. for default and the same is still pending. While so, it appears that the bank has sold away the secured asset in the public auction. Therefore, the petitioner has filed an application before the Debts Recovery Tribunal seeking amendment of the prayer in the Securitisation Application, to challenge the said sale on the

grounds which are urged in the instant writ petition.

3. Alleging that the said amendment application is not received by the Tribunal and that the application filed to set aside the order of dismissal of the S.A. for default is posted to a distant date, the petitioner has approached this Court invoking the writ jurisdiction, to challenge the sale of the secured asset in the auction.

4. As the petitioner has already approached the Debts Recovery Tribunal, which is the appropriate forum constituted under the special enactment with special mechanism for redressal of the grievances relating to the measures initiated under the SARFAESI Act, we are not inclined to entertain this writ petition. The petitioner has to pursue its remedy before the said Tribunal.

5. However, as it is stated that the application filed by the petitioner for setting aside the order of dismissal of the Securitisation Application for default is not being considered and it is posted to a distant date, we are of the considered view that a direction is required to be given to the Tribunal to dispose of the said application expeditiously on merits.

6. Therefore, the writ petition is disposed of with a direction to the petitioner to pursue its remedy before the Debts Recovery Tribunal, Visakhapatnam, where it has already filed a Securitisation Application and an application to set aside the order of dismissal of the said Securitisation Application for default. The Debts Recovery Tribunal, Visakhapatnam, is directed to hear the said application filed to set aside the order of dismissal of the S.A. for default on merits and dispose of the same expeditiously by passing an appropriate order according to law, within one week from the date of receipt of this order.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed. There shall be no order as to costs.