

[PRINT / DOWNLOAD PDF](#)

SUPREME COURT OF INDIA

Before: Justice Rohinton Fali Nariman and Justice Navin Sinha.

AUTHORIZED OFFICER PUNJAB NATIONAL BANK - Appellant,

Versus

M/S KUT ENERGY PVT. LTD. - Respondent.

CIVIL APPEAL NO. 12262-12268 OF 2018 (Arising out of SLP(C) No.4898-4904 of 2018 @ D No.13664 of 2018) WITH CIVIL APPEAL NO. 12136 OF 2018 (Arising out of SLP(C) No.4871 of 2018 @ D No. 14309 of 2018)

04.05.2018

Constitution of India, Article 226 - [ots](#) - Bank has rejected a One Time [settlement](#) proposal of the debtor - Meanwhile, [auction](#) of the mortgaged property has already taken place - In *Authorised Officer, State Bank of Travancore v. Mathew K.C.*, (2018) 3 SCC 85, we have cautioned against the High Court interfering in such matters in the [writ jurisdiction](#) - Orders passed by High Court set aside.

ORDER

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

2. The respondent is a debtor to the tune of Rs. 325,00,00,000/- (Rupees Three hundred Twenty Five crores only) and above. The Bank has rejected a One Time Settlement proposal to settle for a figure of Rs. 150,00,000/- (Rupees One hundred Fifty crores only), of which the debtor has deposited only Rs. 40,00,00,000/- .

3. Meanwhile, an auction of the mortgaged property has already taken place, but, as no interim relief was granted by the Debt Recovery Tribunal by its order dated 06.10.2017, Respondent No. 5, who is the highest bidder, has paid 25% of the bid amount, after which sale confirmation has taken place by a letter dated 07.10.2017. We may hasten to add that on 18.10.2017, a cheque for the balance of 75% was furnished by respondent No. 5, but not encashed, and this was done again on 17.03.2018.

4. In a recent [judgment](#) delivered by one of us in *Authorised Officer, State Bank of Travancore v. Mathew K.C.* (2018) 3 SCC 85, we have cautioned against the High Court interfering in such matters in the writ jurisdiction. Such caution has unfortunately not been heeded in the present case. Given the facts of the present case, we, therefore, set-aside the impugned orders passed by the High Court.

5. The appeals are allowed in the aforesaid terms. Pending applications, if any, shall stand disposed of.

Tags: [2018 PLRonline 1108](#)