

Security Interest (Enforcement) Rules, 2002 R. 9(4) - Auction - Amount not deposited - Stay - Affect of - Interest - Non consideration for grant of 90 days extension period - Respondent bank could not have issued the letter dated 27.03.2020 (prior to 22.04.2020) said to have been sent by e-mail because that would have been in contravention of the stay granted by the Tribunal in an SA filed against the bank, as extended - Even if issued, the same would be of no legal consequence being in violation of an order passed by a statutory Tribunal - From an analysis of Sub-Rule (4) of Rule 9, it is evident is that payment of balance amount of 75% of the sale price by the purchaser to the authorized officer of the secured creditor should be made within 15 days of confirmation of sale of the immoveable property - Respondent bank could not issue sale confirmation letter because of stay order passed by the Tribunal on 25.02.2020 - If this is the position, it could not have issued the sale confirmation on 27.03.2020 as the stay order granted on 25.02.2020 was extended by the Tribunal vide the order dated 23.03.2020 for a further period of four weeks - In other words, respondent bank could not have issued sale confirmation letter on 27.03.2020 when the stay was in force - We do not find any exercise undertaken by respondent bank to extend the period for deposit of the balance amount which is permissible up to three months - The Court while issuing notice had also granted interim stay which order continues to operate till date - It is settled proposition that an order of the Court should cause prejudice to none - In view of the stay granted by this Court, which continues till today, no blame can be laid at the door of the petitioner that because of the stay order passed by this Court, the bank has suffered loss in terms of interest or enhanced value of the land and therefore it should be compensated - Such a stand taken by respondent No.1, which is a public sector undertaking, cannot be appreciated.

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