

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 254 OF 2015

MRS. ARCANJA RODRIGUES E DE SA. ... Petitioner
Versus
THE CENTRAL BANK OF INDIA, THROUGH
ITS AUTHORIZED OFFICER AND 2 ORS., ... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioner.
Mr. A. Kakodkar, Advocate for respondent no.1.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 7th April, 2015

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner and Mr. A. Kakodkar, learned counsel appearing for the respondent no.1.

2. Upon hearing the learned counsel, the main grievance of Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner is that though the petitioner has applied for the benefits of OTS scheme applicable to the respondent no.1, the notice has been received by the petitioner for taking over of the possession of the properties belonging to the petitioner under Securitization of Financial Assets and Enforcement of Security Interest Act.

3. Mr. A. Kakodkar, learned counsel appearing for the respondent no.1 produces a copy of the letter addressed to the petitioner and other sureties to the loan inter-alia stating that taking over of the possession of the properties is deferred until the higher authority decides the application to avail of OTS scheme filed by the petitioner. The said letter is taken on record and marked 'X' for identification. Mr. Kakodkar, learned counsel upon instructions states that no coercive action to take the possession of the properties of the petitioner shall be conducted by the respondent no.1 until the application dated 10.01.2015 for OTS is finally decided by the higher authority of the respondent no.1. Accepting the said statement of the learned counsel appearing for the respondent no.1 and taking note of the contents of the said letter marked 'X' for identification, we find that the grievance of the petitioner do not survive at present. Liberty to apply. All contentions of the parties are left open. The petition stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

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