

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 651 OF 2015

MR. LUCIANO CUNHA AND ANR., ... Petitioners
Versus
THE BRANCH MANAGER, CENTRAL BANK
OF INDIA AND 2 ORS., ... Respondents

Mr. Bhargav Khandeparkar, Advocate for the petitioners.

Mr. Ajay Kumar V., Advocate for the respondent nos.1 and 2.

Mr. Thalmann Pradeep Pereira, Advocate for the respondent nos.3.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 9th December, 2015

P.C.

After hearing the matter for some time, Shri Khandeparkar, the learned Counsel appearing for the petitioners, upon instructions, seeks leave to withdraw the above writ petition, with liberty to challenge the action of the respondent nos.1 and 2 in Appellate Forum, in terms of Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). The learned Counsel further points out that the petitioners may be protected on the point of limitation to file such proceedings.

2. Shri Ajay Kumar, the learned Counsel appearing for the respondent nos.1 and 2 and Shri T. Pareira, the learned Counsel

appearing for the respondent no.3, upon instructions, state that the petitioners may be protected on the point of limitation for reasonable time. The learned Counsel appearing for the respondents point out that in case such an appeal is preferred, the respondents will not oppose the application for condonation of delay before the learned Tribunal.

3. Hence, the petition stands dismissed as withdrawn. Liberty to the petitioners to challenge the action of the respondent nos.1 and 2 in terms of Section 17 of the SARFAESI Act, before the Competent Tribunal, within a period of two weeks from today. In case such an appeal is preferred before the learned Tribunal, within such period, the Tribunal shall decide the same in accordance with law.

4. All the contentions of both the parties on merits, are kept open.

C. V. BHADANG, J.

F. M. REIS, J.

SMA