

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 4274 OF 2015**

M/s. Zenith Computers Ltd.

..... Petitioner.

V/s

Indian Bank

..... Respondent.

Mr. Mayur Khandeparkar i/b Kaikini Phadke & Associates for the Petitioner.

Mr. Nirman Sharma with Ms. Uma Sharma i/b Dharam & Co. for the Respondent.

**CORAM: V. M. KANADE &
A.R. JOSHI, JJ.**

DATE: 16th February, 2015

P.C.:-

1. Mentioned, not on board. Upon mentioning, the matter is taken on board.

2. The grievance of the Petitioner is that though DRT has dismissed his application on 13/02/2015, no interim relief has been granted to the Petitioner to enable him to file an appeal before the DRAT and the only pre-condition which has been imposed is that the Petitioner should deposit a sum of Rs 7 Crores before 12 Noon on 16/02/2015 and a copy of the order also has not been made available to the Petitioner.

3. The learned Counsel appearing on behalf of the Respondent has raised a preliminary issue regarding maintainability of this Writ Petition. He has submitted that the Petitioner has already lodged his appeal against the impugned order passed by the DRT.

4. There is much substance in the submission made by the learned Counsel appearing on behalf of the Respondent. Since the Petitioner has already approached the DRAT, we are not inclined to entertain this Petition at this stage. However, we are of the view that time which has been granted to the Petitioner to deposit an amount of Rs 7 crores will have to be extended.

5. Accordingly, time which has been granted to the Petitioner to deposit an amount of Rs 7 Crores is extended till a copy of the impugned order is made available to the Petitioner for a period of two weeks from today, whichever is later.

6. We must clarify that we are not expressing any opinion on merits and all the contentions raised by the Petitioner and the Respondent are kept open.

7. With the above direction, Petition is disposed of.

(A. R. JOSHI, J.)

(V.M. KANADE, J.)