

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (L) NO. 14437 OF 2015

Union Bank of India ... Petitioner

Vs

1. The State of Maharashtra & Ors. ... Respondents

Mr. H. Toor i/b Nainesh N. Amin for the Petitioner.

Mr. P.G. Sawant, AGP, for the Respondent Nos.1 to 3 - State.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

TUESDAY, 24TH NOVEMBER, 2015

P.C. :

1. After the petition was heard for some time and since the petition only challenges a sale notice, we are of the view that it can be conveniently disposed of by the following order and direction :

(i) The property which is notified for sale shall be sold and disposed of in accordance with law by the authorities under the Bombay Sales Tax Act, 1959 / its successor enactment Maharashtra

Value Added Tax Act, 2002. The sale proceeds over and above the sum notified at page 116, namely, Rs.3,47,27,683/- accruing from the sale shall be deposited to the credit of the Original Application (Lodg.) No. 1057 of 2015, DRT – III, Mumbai. This order is passed without prejudice to the rights and contentions of both sides, particularly on the priorities.

2. The order passed disposing off this petition with the above directions protects the interests of both sides and, therefore, Mr. Toor appearing for the petitioner, on instructions, states that the bank is agreeable to this order being passed. Needless to clarify that the Union Bank – petitioner before us can forward the bids and offers received for sale of this property and such bids shall be duly considered by the authorities under the Sales Tax laws.

3. Since the auction under the earlier notice was notified on a particular date and time, namely, 19th May, 2015, at 11:00 a.m., the Sales Tax authorities will have to issue a fresh notice and the date and time of the auction shall be notified therein. Upon proclamation and

issuance of such notice and its publication in the newspapers concerned, a copy of this notice shall be forwarded by the Assistant Commissioner of Sales Tax, Raigad Division to the petitioner – Union Bank of India, for information and necessary action.

4. The ad-interim order stands vacated forthwith.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.