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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11093 OF 2014

Smt. Jullie Amitabh Parekh and Ors.Petitioners

Vs.

Reliance Asset Reconstruction CompanyRespondents

Mr. Zal A. i/b. Kanga & Co. for Petitioners

Mr. Sanjay Anubhavne for Respondent No.1

CORAM : V. M. KANADE &
G.S. KULKARNI, J.J.

DATE : APRIL 13, 2015

P.C. :

1. The Petitioners are aggrieved by an order passed by the DRAT, Mumbai, dismissing the appeal for non payment of statutory security deposits as contemplated under section 18 of the SARFAESI Act, 2002. The other grievance of the Petitioners is that the notice under section 13(2) of the SARFAESI Act could not have been issued to the widow and the minors of the deceased borrower.

2. From the impugned order it can be seen that the said issue regarding maintainability of the notice under section 13(2) is kept open and the DRT-II has to decide this issue along with the other issues while deciding the application which is pending before it.

3. In our view, since the issue is kept open and is being decided by the DRT-III, we do not feel that this is a fit case for

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interfering with the impugned order passed by the DRAT while exercising our writ jurisdiction under Article 226 of the Constitution of India.

4. The DRT, however, shall decide the said issue along with the other issues as expeditiously as possible and, in any case, within a period of three months on merits and in accordance with law. All contentions raised by the Petitioners in this petition are kept open. If any adverse order is passed, the same may not be implemented for a period of two weeks. With these directions, the writ petition is disposed of.

[G.S. KULKARNI, J.]

[V. M. KANADE, J.]