

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11321 OF 2015**

M/s. Bhujbal Authomobiles LLP Through Mr.
Sameer Bhujbal & Ors. ...Petitioners

Versus

The Authorized Officer, MKGSB Co-op. Bank
Ltd. & Ors. ...Respondents

Mr. P. B. Shah, i/b Mr. Kayval P. Shah, for the Petitioners.
Mr. Sanjay Anabhawane, ib/ M & S Legal Venture for the
Respondent Nos. 1 and 2.

CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 18th November 2015

PC:-

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent Nos. 1 and 2.
3. Today in the Court, the learned counsel appearing for the Petitioners has handed over two Demand Drafts totally amounting to Rs. 1.25 crores drawn on the NKGSB Co-operative Bank Limited

to the Advocate for the Respondent Nos. 1 and 2. It is pointed out that the Chairperson of the Appellate Tribunal will be available from 21st November 2015 onwards and the application for restoration is listed before the Chairperson of the Appellate Tribunal on 4th December 2015.

4. We grant a limited protection to the Petitioners only on the ground that the Chairperson of the Appellate Authority is not available at present. Moreover, today the Petitioners have deposited with the Bank a sum of Rs. 1.25 crores.

5. The learned counsel appearing for the Petitioners, on instructions, states that according to the Petitioners in addition to sum of Rs. 1.25 crores, further amount of Rs. 4 crores is due and payable to the Respondent Nos. 1 and 2. He states that according to the Petitioners, total amount of Rs. 5.25 crores was payable to the Respondent Nos. 1 and 2. The learned counsel appearing for the Respondent Nos. 1 and 2 states that total amount payable to the said Respondents, as of today, is approximately Rs. 6.66 crores.

6. The learned counsel appearing for the Petitioners, on instructions, states that the balance amount of Rs. 4 crores will be deposited by the Petitioners with the Respondent Nos. 1 and 2 by 31st December 2015. We accept the said statement as an undertaking of the Petitioners.

7. Hence, we dispose of the Petition by passing the following order:

- (a) We accept the statement made by the learned counsel appearing for the Petitioners that the Petitioners will deposit further amount of Rs. 4 crores with the Respondent Nos. 1 and 2 by way of Demand Drafts on or before 31st December 2015;
- (b) We make it clear that the dispute about the exact amount due and payable as of today is kept open to be decided by the Appellate Tribunal;
- (c) In view of the aforesaid statement, we direct that the order of dispossession shall not be implemented till 31st December 2015;
- (d) We, however, make it clear that on the failure of the Petitioners to deposit a sum of Rs. 4 crores with the Respondent Nos. 1 and 2 on or before 31st December 2015, the Appeal (L) No. 204 of 2015 shall not be restored and the application for restoration made by the Petitioners shall stand dismissed;
- (e) This order shall be brought to the notice of the Chairperson of the Appellate Tribunal on 4th December 2105 by producing an authenticated copy of this order;
- (f) The Petition is disposed of on above terms.

- (g) We make it clear that in view of the aforesaid directions, the application for restoration of the Appeal shall be kept pending till 31st December 2015.

(G. S. PATEL, J.)

(A. S. OKA, J.)