

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

WRIT PETITION NO. 12192 OF 2013

Icaro Machines India Private Limited & Ors. .. Petitioners

Vs.

State Bank of India .. Respondent

Mr.Prathamesh Kamat a/w. Ms.Sapana Rachure i/n. T.N.Tripathi & Co. for petitioners.

Mr.Lalitkumar Jain i/b Lalit Kumar Jain & Co. for respondent.

Mr.Nishikant P. Ambodkar, Chief Manager, SARB, Thane.

**CORAM : A.S. OKA,
V.L. ACHLIYA, JJ.**

DATED : 1ST SEPTEMBER, 2015

P.C.

1 The learned counsel appearing for the respondent, on instructions of Shri Nishikant P. Ambodkar, Chief Manager, SARB, Thane who is personally present in Court, states that the impugned notice dated 21.12.2013 has not been issued by the respondent in exercise of the powers under the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (for short “SARFAESI Act, 2002”) and the rules framed thereunder. We accept the said statement. Even otherwise, the said notice does not disclose that the same has been issued under the provisions of the SARFAESI Act, 2002 or the rules framed thereunder.

2 We, therefore, decline to entertain this petition under Article 226 of the Constitution of India. However, remedies of the petitioners as regards the impugned notice will remain open.

3 Subject to what is observed above, the petition stands disposed of.

At this stage, the learned counsel appearing for the petitioners seeks continuation of ad-interim relief granted on 2.01.2014 for a period of two weeks. The learned counsel appearing for the respondent opposes the said prayer.

4 Considering the fact that ad-interim relief is operative from 2.01.2014, the same will continue to operate for a period of two weeks from today.

(V.L. ACHLIYA, J.)

(A. S. OKA, J.)