

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.862 OF 2014**

Birla Cotsyn (India) Ltd.	... Petitioners
v/s	
Union of India and others	... Respondents

Mr Chetan Kapadia with Mr Subir Kumar for Petitioners.
Ms Ambreen Saheed i/b M/s MDP and Partners for Respondent No.2.

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

DATE : 14TH OCTOBER 2015

P.C. :-

1. By this Petition under Article 226 of the Constitution of India, the Petitioners are seeking a writ of certiorari or any other writ, order or direction calling for the papers and proceedings culminating in the Possession Notices dated 26th December 2013 and 27th December 2013 which are also published in newspapers.

2. The copies of these notices have been annexed to the Petition and what they purport to inform is that the authorised

Officer of the Bank of India for itself and on behalf of secured creditors would in pursuance of the demand notices under section 13(2) of the SARFAESI Act 2002 take possession of the immovable property and described in the possession notices. The possession notices, copies of which are at pages 96 to 99 and the newspaper publication, copies of which are at pages 100 and and 101 are now proposed to be withdrawn by the contesting Respondent No.2 – Bank.

3. On instructions, Ms Saheed, learned counsel appearing on behalf of the Respondent No.2 – Bank states that these possession notices would be withdrawn and no action in furtherance thereof would be taken by the Bank of India.

4. The learned counsel further states that the Bank may initiate fresh steps under the SARFAESI Act 2002 and by invoking the relevant provisions.

5. In the light of the statements made on instructions by the

learned counsel for the Bank, we inquire from Mr Kapadia, learned counsel appearing on behalf of the Petitioners as to whether he is withdrawing the Petition or the Court can proceed to dispose it off as infructuous. Mr Kapadia states that the Petitioners would have no objection to withdraw the Petition but it must be noted by this Court that the Petitioners is an industrial undertaking and even now they are entitled to the protection of the Maharashtra Relief Undertakings (Special Provisions) Act 1958. The protection which was claimed in the Writ Petition is still continuing.

6. In the light of these developments, we grant leave to withdraw this Writ Petition. The Writ Petition is disposed off as withdrawn. We clarify that we have not expressed any opinion on the rival contentions and equally the stand of the Petitioners in relation to the protection under the Relief Undertaking Act or otherwise. They are kept open. All ad-interim and interim orders shall stand vacated forthwith.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)