

vat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No. 678 OF 2015

M/s. Sagun Pharma and Ors.	...Petitioners
Vs.	
Allahabad Bank and Ors.	...Respondents

WITH
WRIT PETITION No. 2285 OF 2015

Allahabad Bank through Authorized Officer Mr. Raghavan Natarajan	...Petitioner
Vs.	
State of Maharashtra through its Govt. Pleader and Ors.	...Respondents

WITH
WRIT PETITION No.2293 OF 2015

Mr.Ghansham Jamnomal Shewakramani and Anr.	...Petitioners
Vs.	
Allahabad Bank and Ors.	...Respondents

Mr.Rohan Cama a/w. Mr. T.N. Tripathi & Ms. Sapna Rachure i/b. T.N. Tripathi & Co. for Petitioner in WPL No. 678 of 2015 & Respondent Nos.2 & 4 in Wp. 2285 of 2015

Mr. Mayur Khandeparkar a/w. Mr. V.N. Ajitkumar for Petitoiner in WP.2285 of 2015 and For Respondent No.1 in WP No.2293 of 2015 and WPL No. 678 of 2015

Mr.Darius Shroff a/w. Racheet Jain i/b. Mr.S.Thakkar for Petitoiner in WP 2293 of 2015 and for Respondent Nos.5 and 6 in WP 2285 of 2015 and Respondent Nos.2 and 3 in WPL No. 678 of 2015

CORAM : V. M. KANADE &
B.P. COLABAWALLA, J.J.

DATE : JUNE 24, 2015

P.C. :

1. The Petitioners in WP (L) No. 678 of 2015 are challenging the order passed by the DRAT, who was pleased to direct the Petitioners to deposit an amount of Rs.1.25 crores. The Petitioners are unable to deposit the said amount in time prescribed by the DRAT. The appeal is now kept for further orders on 21st July, 2015. The Petitioners had also preferred an application for waiver on financial constraints.

2. The learned counsel for the Petitioners submits that the Petitioners are ready and willing to deposit the entire amount.

3. In our view, since the appeal is already pending before the DRAT, it would be appropriate if the Petitioners file an independent application either seeking extension of time for depositing the said amount or for any other orders. We are also informed that the property has already been auctioned and auction purchaser has paid the entire sale consideration and sale certificate has already been issued in favour of the auction purchaser. The sale agreement has now been registered and stamp duty is paid.

4. This writ petition can be conveniently disposed of by granting leave to the Petitioners to approach the DRAT in the pending appeal and seek appropriate reliefs. All contentions raised by the Petitioners as well as by the Respondents are kept open. The DRAT may consider the appeal of the Petitioners on merits and in accordance with law and decide the same as expeditiously as possible, preferably within a period of four weeks. If an application for interim relief is filed, the

(WPL 678 of 2015)

same may be considered and disposed of within a week.

5. Writ petitions filed by the bank and auction purchaser do not survive and they are accordingly disposed of. All contentions raised therein are kept open.

Sd/-
[B.P. COLABAWALLA, J.]

Sd/-
[V. M. KANADE, J.]