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

WRIT PETITION No. 1172 of 2015

Sheetal C. Shah	...Petitioner
Vs.	
Bassein Catholic Co.op. Bank Ltd. (Scheduled Bank) and Ors.	...Respondents

Mr.V.S. Kapse i/b. Fast Track Legal for Petitioner
Mr.Brian A. D'lima for Respondent Nos.1 and 2

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

DATE : JUNE 17, 2015

P.C. :

1. The grievance of the Petitioner is that though the interim orders were passed by this Court as the Chairperson of the DRAT was not available on account of his illness, the Bank has hurriedly sealed the premises of the Petitioner.

2. We have perused the order dated 6th May, 2015. By that order, this Court has observed that the Petitioner has borrowed an amount of Rs.15 crore and according to the Petitioner, she has paid Rs.6.84 crore and, thereafter, Rs.41 lakh. She has

expressed her apprehension that the possession would be taken by the Bank. It was also observed that the Chairperson of the DRAT was not available, and, therefore the Petitioner has approached this Court. This Court, therefore, had granted interim relief to the Petitioner. Again on 20th May, 2015, this Court was informed that the Petitioner has been asked to approach the DRT at Chennai since the Chairperson was not available in Mumbai and again two weeks' time was granted. It appears that the said two weeks' period has expired on 3rd June, 2015 and the bank has taken possession yesterday.

3. In our view, the Bank should have given an adequate opportunity to the Petitioner and in the aforesaid peculiar facts and circumstances of the case, we direct the Bank to restore the possession within forty-eight hours. Place the matter on Board on 22nd June, 2015. We are informed that the Chairperson of the DRAT will be available on 18th June, 2015 onwards. The Petitioner may approach the DRAT tomorrow and day after tomorrow.

4. We find that since last six months, the Chairperson of the DRAT was not available and on account of that, the litigants have approached this Court by filing writ petitions under Article 226 of the Constitution of India. In our view, in such circumstances, the Central Government ought to have taken the steps so that now and then the litigants are not forced to approach this Court. We, therefore, direct the Learned Additional Solicitor General to remain present on 22nd June, 2015. the Petitioner to give notice to the Learned ASG.

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However, the Petitioner is at liberty to approach the DRAT for continuation of the stay. If the stay is not continued, further one week time is granted to the Petitioner to enable her to approach an appropriate Forum.

[B.P COLABAWALLA, J.]

[V. M. KANADE, J.]