

vat

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

WRIT PETITION (L) No. 1816 OF 2015

Trupti Bhavesh Shah and Anr.Petitioner
Vs.
The Union of India and Ors.Respondents

Ms.Rohini Amin a/w. Mr. A.g. Philips and Ms. Sarika Gohil for
Petitioner

Mr. Ashish Kamat a/w. Mr. Nikhil Rajani i/b. Mr. deshpane & Co. for
Respondents

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

DATE : JUNE 24, 2015

P.C. :

1. A preliminary objection has been raised by the learned counsel appearing on behalf of Respondent No.1 Bank. It is submitted that the Petitioner has no locus to seek any reliefs, which are claimed by the Petitioner in this petition. It is submitted that the Petitioner is a director of the company, who is not the owner of the property since the property is owned by the company. The Company has not filed the petition seeking reliefs which are claimed by the Petitioner in this petition.

2. On the other hand, the learned counsel for the Petitioner submits that the Petitioner is a guarantor and, therefore, has locus to file this petition.

3. Without going into checkered history of the facts and various applications filed by the company and the other directors before various Forum, in our view, there is some substance in the submissions made by the learned counsel for the Respondent -Bank.

The Petitioner is not the owner of the company and has no locus to reveal the name of the auction purchaser. Hence, the writ petition is dismissed on this ground. Liberty is granted to the Petitioner to agitate this issue before the appropriate Forum. Since the SA filed by the company is pending before the DRT Pune, the Petitioner is at liberty to approach the DRT, Pune. All contentions raised by both the parties are kept open.

[B.P. COLABAWALLA, J.]

[V. M. KANADE, J.]