

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9306 OF 2011

Commissioner of Central Excise, Customs
and Service Tax, Aurangabad .. Petitioner

Versus

Asset Reconstruction Company (India)
Ltd. Mumbai and others .. Respondents

Mrs. Kalpalata Patil Bharaswadkar, Advocate for the Petitioner.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 04TH JANUARY, 2016.

PER COURT :

. We have heard Mrs. Bharaswadkar Patil, the learned counsel for the petitioner.

2. The order passed in Interim Application No. 53 of 2009 in Original Application No. 36 of 2007 passed by the Debts Recovery Tribunal - 1, Mumbai is assailed.

3. The said order can be assailed in an appeal U/Sec. 20 of the Recovery of Debts Due to Banks and Financial Institutions Act before the Appellate Tribunal.

4. In the light of the above, we are not inclined to entertain the petition on merits. The writ petition is disposed of with liberty to the petitioner to avail the alternate remedy of appeal. The forum where the appeal would be filed, shall consider the time spent in prosecuting the present writ petition. All contentions are kept open. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 16