

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1915 OF 2016

Shree Khidkaleshwer Property	}	
Developers Pvt. Ltd.	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Akshay Patil with Mr. Vishal Mehta
i/b. M/s. M. V. Law Partners for the
petitioner.

Ms. Aparna Vhatkar – AGP for respondent
no. 1.

Ms. Gargi Bhagwat i/b. M/s. Divekar
Bhagwat and Co. for respondent no. 2.

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

DATED :- OCTOBER 21, 2016

P.C. :-

1. At the request of the petitioner's advocate and bearing in mind the multiple remedies available under the SARFAESI Act, the writ petition is allowed to be withdrawn with liberty to pursue those and in accordance with law.

2. The petitioner's advocate states that on 12th February, 2016, an ad-interim order was passed by this court. The petitioner's claim that it is in possession of the property and has

not been dispossessed was noted by this court and that is how this ad-interim relief has been granted.

3. Since the claim is factual and in dispute so also the petitioner being interested in availing of the alternate remedies, we continue this ad-interim order till 2nd December, 2016, beyond which date, it shall not be continued in any circumstances unless the DRT has applied its mind and decided the issue in accordance with law. If the DRT is unable to pass final orders, then, it is entirely for it to decide what interim protection should be granted to the petitioner. We clarify that we have not expressed any opinion on the rival contentions or the claim of the petitioner. The DRT is not obliged to continue our order beyond 2nd December, 2016.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)