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

**WRIT PETITION NO.5139 OF 2014
IN
APPEAL NO.79 OF 2008
IN
SECURITISATION APPLICATION NO.17 OF 2007**

Bank of India (SARM)	]	
Specialized Assets Recovery Management	]	
Branch, having their address at 1 st floor,	]	
Bank of India Building 70/80 M.G.Road,	]	
Fort, Mumbai 400 023 and having their	]	
Head Office at Star House, 05 G-Block,	]	
Bandra Kurla Complex Bandra (East)	]	
Mumbai 400 051	]	...Petitioner

VS

- | | | |
|---|---|---|
| 1 | Soma Papers & Industries Ltd. |] |
| | a company incorporated under the |] |
| | Companies Act, 1956 having its office at |] |
| | Indian Mercantile Chambers, 3 rd Floor, 14 |] |
| | R. Kamani Marg, Ballard Estate Mumbai |] |
| | 400 038 through their Executive Director |] |
| | Shri. Bapat Somani |] |
| | | |
| 2 | Union Bank of India |] |
| | having their address at |] |
| | Mumbai Samachar Marg Branch, 56/80, |] |
| | M.S.Marg, Mumbai 400 023 |] |
| | | |
| 3 | Corporation Bank |] |
| | having their address at |] |
| | Indian Finance Branch, Bharat House, |] |
| | Shahid Bhagat Singh Road, Fort, Mumbai |] |
| | 400 001 |] |
| | | |
| 4 | Dena Bank |] |
| | having their address at |] |
| | Indian Main Branch, Horniman Circle |] |
| | Mumbai 400 023 |] |

- | | | |
|---|---|-----------------|
| 5 | M/s I.B.Enterprises
represented by Shri Munnabhai having
their address at Malhotra House, 2 nd Floor
Opp. General Post Office Mumbai 400 001 |] |
| 6 | M/s Eskays Construction Pvt. Ltd.
a company incorporated under the
the Companies Act,1956, having its
address at 161/B, Mittal Tower, Nariman
Point Mumbai 400 021 |] |
| | | ...Respondents. |

Mr O.A.Das for the Petitioner.

Mr. Prasad K. Dhakephalkar, Sr. Counsel a/w Mr Sanjay Jain,
Ms Rashida F. Savliwala & Mr Ritvik Mavkin i/b M/s Dhruve
Liladhar & Co. for Respondent No.6.

Ms Jyotsna Vyas i/b Mr O.P.Pandya for Respondent No.1.

Ms Tejasvi Dalvi for Respondent No.2.

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

RESERVED ON : 21st SEPTEMBER, 2016.

PRONOUNCED ON : 30th NOVEMBER, 2016.

JUDGMENT (Per B.P.Colabawalla J):

Rule. Respondents waive service. By consent of parties, Rule is made returnable forthwith and heard finally.

2 This Writ Petition has been filed by the Bank of India
challenging the final order passed by the DRAT dated 7

January, 2014. In the companion Petition filed by Respondent No.6 herein (Writ Petition No.1315 of 2014) decided by us today (30th November, 2016), we have set aside this order of the DRAT dated 7 January, 2014. For the reasons set out in our judgment in Writ Petition No.1315 of 2014, this Writ Petition also succeeds and is granted in terms of prayer clause (a). The order dated 7 January, 2014 passed by the DRAT in Appeal No. 79 of 2008 is hereby set aside. Rule is made absolute in the aforesaid terms. However, there shall be no order as to costs.

(B.P.COLABAWALLA J.)

(S.C.DHARMADHIKARI J)