

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5822 OF 2016

M/s. Sapphire Textile Mills Pvt Ltd. Petitioner
vs
State Bank of India Respondent

Mr. Rohit Gupta with Mr. Vivek V. Phadke for the petitioner.
Mr. Lalit Kumar Jain I/by Lalitkumar Jain & Co for the respondent.

**CORAM: ANOOP V. MOHTA AND
A. S. GADKARI, JJ.**

DATE : November 17, 2016

ORDER:

On hearing the learned counsel appearing for the parties, we are inclined to dispose of the present writ petition, as the issue is only revolving around the deposit of 25% of amount as per the demand notice under Section 13(2) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) for a sum of Rs.1,03,74,541/- within 15 days from the date of the order which is admittedly mandatory requirement. The submission is made by the learned counsel appearing for the Petitioner that they have already deposited Rs.40 lacs as per the order of Debt Recovery Appellate Tribunal

(DRAT) with the Bank. The statement is made, on instructions, that they will deposit amount of Rs. 5 lacs more within two weeks. In view of this, at this stage, we are inclined to observe that the DRAT to consider the deposit of the said amount as a deposit as contemplated under Section 18(1) of SARFAESI Act and pass appropriate order. There is no issue that such amount so deposited after the demand notice under Section 13(2) of the SARFEESI Act is required to be adjusted/credited. In the impugned order, the DRAT itself has recorded the amount which should be the foundation for deposit of 25% of the amount as per the law.

2 In view of this, the present writ petition is disposed with a direction to the DRAFT to pass a fresh appropriate order within four weeks in view of the observation so made. All contentions are kept open. It is made clear that pending the same, no question of taking any coercive steps as already ordered by this Court. The petition is disposed off accordingly.

3 There shall be no order as to costs.

(A. S. GADKARI, J.)

(ANOOP V. MOHTA, J.)