

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION

The Jalgaon Municipal Corporation ...Petitioner
Through The Municipal Commissioner, Jalgaon
Vs.
The Debt Recovery Tribunal I, Mumbai & Ors. ...Respondents

**CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 12, 2016**

1. It is an admitted position that now a final order has been passed by the Debt Recovery Tribunal on the original application filed by the second respondent being Original Application No. 40 of 2012. The occasion for filing this writ petition arose as in the interim recovery proceedings, an order was made against the petitioner and in execution thereof, orders of attachment were passed by the Recovery Officer attached to the Debt Recovery Tribunal. The learned Counsel appearing for the second respondent states that now the interim order passed in the original application has been merged with the final order passed on the original application and therefore, what will be executed by the second respondent will be the final order passed on the original application.

2. Certain submission are made by the learned Senior Counsel

appearing for the petitioner on merits. The submissions are academic and the same will have to be urged as and when the final order passed by the Debt Recovery Tribunal is challenged. The learned Senior Counsel also relies upon the State Government decision dated 21st November, 2015 of constituting a Committee. However, we need not deal with the effect of the State Government decision dated 21st November, 2015.

3. By accepting the aforesaid statement of the learned Counsel for the second respondent and by keeping all the contentions open, we dispose of the petition. It will be open for the petitioner to challenge the final order of the Debt Recovery Tribunal.
4. The ad-interim relief granted in this petition shall continue to operate for a period of one month from today.

(C.V. BHADANG,J.)

(A.S.OKA,J.)