

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12717 OF 2016

M/s. Hotel Sahil Pvt. Ltd. ...Petitioner.

vs.

The Maharashtra State Financial Corporation ...Respondents.

WITH

WRIT PETITION NO.12718 OF 2016

M/s. Hotel Sahil Pvt. Ltd. ...Petitioner.

vs.

The Maharashtra State Financial Corporation ...Respondents.

WITH

WRIT PETITION NO.12719 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.

vs.

The Maharashtra State Financial Corporation ...Respondents.

WITH

WRIT PETITION NO.12720 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.

vs.

The Maharashtra State Financial Corporation ...Respondents.

WITH

WRIT PETITION NO.12721 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.

vs.

The Maharashtra State Financial Corporation ...Respondents.

WITH

WRIT PETITION NO.12722 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

WITH
WRIT PETITION NO.12723 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

WITH
WRIT PETITION NO.12724 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

WITH
WRIT PETITION NO.12725 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

WITH
WRIT PETITION NO.12726 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

WITH
WRIT PETITION NO.12727 OF 2016

M/s. Hotel Mayfair Pvt. Ltd. ...Petitioner.
vs.
The Maharashtra State Financial Corporation ...Respondents.

Ms. Jyoti Chavan for the Petitioners in all the matters.

CORAM : ANOOP V. MOHTA &

A.S. GADKARI, JJ.

DATE : 16th November, 2016

ORDER:

On hearing the learned counsel appearing for the petitioners, we are inclined to dispose of these writ petitions at this stage itself.

2. Considering the issues so raised with regard to any court fee to the extent of Rs.30,000/- or Rs.250/-for filing Misc. appeal by the Registrar of Debt Recovery Appellate Tribunal (The Tribunal), we are inclined to dispose of the writ petitions with permission to the petitioners to make an appropriate representation/application so that the reasoned order will be passed by the Registrar which even otherwise required, (in accordance with law) specifically when it is settled that the court fee and/or such fee required to be charged under the law only if it is provided. The missing reasons in the matter therefore, required to be given to the issue so raised by the petitioners. Therefore, at this stage by keeping all defences open, we are also permitting the petitioners to withdraw the petitions with liberty to file representation/application within three days. In view of the above, as the issue is of important in nature for the litigations before the Tribunal, this court expect the Registrar concerned /Officer to pass a reasoned order on the issue so raised by the petitioners about the court fee in question within two weeks.

3. It is made clear that the Registrar and /or authority are entitled to charge court fee as per the law. We have not

decided any issue on merits of the main matters.

4. In view of this, the petitions are disposed of by common order as the similar issues are raised in all the writ petitions. This Court (Vacation Court) on 7.11.2016 has passed the order as follows.

“Heard learned counsel for the petitioner.

5. The Debts Recovery Tribunal (DRT) is requested not to pass the final orders or the final judgment till 17.11.2016 if not already passed.

In the mean time, Debts Recovery Appellate Tribunal (DRAT) may proceed with the pending Appeal in accordance with law.”

6. Therefore, to avoid complications we are inclined to continue the aforesaid order for four weeks from today.

7. All the writ petitions are disposed off accordingly.
No costs.

(A.S.GADKARI, J.)

(ANOOP V. MOHTA, J.)