

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1297 OF 2016

**Mr. Sunny Kamlesh Jain } Petitioner
 versus
State Bank of India and Ors. } Respondents**

Mr. Rashid Khan i/b. Ms. Pallavi A.
Kulkarni for the petitioner.

Mr. Abhinandan Waghmare i/b. M/s.
Goenka Law Associates for respondent
no.1.

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

DATED :- OCTOBER 21, 2016

P.C. :-

1. The petitioner's advocate states that in the light of the exhaustive amendment to the SARFAESI Act by the Act 44 of 2016, leave be granted to withdraw this writ petition with liberty to approach the DRT. In view of the statement made, the writ petition is allowed to be withdrawn with liberty as prayed.

2. The ad-interim order passed by this court on 10th March, 2016 shall continue, without prejudice to the rights and contentions of all parties, for a period of six weeks from today, beyond which, no further extension will be granted by this court.

It is entirely for the DRT to apply its mind and decide whether any *prima facie* case is made out, whether balance of convenience is in favour of the petitioner and whether the petitioner is suffering irreparable loss or injury. On satisfaction of all these aspects, the DRT may continue the ad-interim relief. However, it is not obliged to do so. The writ petition is disposed of with this clarification.

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