

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

SUIT NO.4373 OF 2001

Canara BankPlaintiff

V/s.

Official Liquidator for Atash
Industries (I) Ltd. & Ors.Defendants

**WITH
SUIT NO.733 OF 2010**

Canara Bank (Debenture Trustees)Plaintiff

V/s.

Official Liquidator for Sharda Textile
Mills (India) Ltd. (In Liquidation)Defendants

Mr. Gopal Nayak i/b. Flavia Legal for the plaintiff in both suits.
None for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 21st OCTOBER,2016**

P.C.:-

1 The counsel for the plaintiff states that after a Full Bench of this Court, by an order dated 7th March, 2016 held that this court will have jurisdiction to decide the subject matter of the suit, the matter was placed before the Appeal Bench and the Appeal Bench set aside the earlier order of the Single Judge and remanded the matter back for further proceedings. The counsel for the plaintiff further states that in the meanwhile there has been an amendment to the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 pursuant to the Enforcement of Security Interest and Recovery of Debts Laws and

Miscellaneous Provisions (Amendment) Act, 2016, which has come into effect from 1st September, 2016 pursuant to notification no.2142 issued on 1st September, 2016.

2 The counsel for the plaintiff states that in view of Section 26 of the Amending Act, Section 2 of the Debt Recovery Tribunal Act has under gone some amendments. In view of the amended provisions, the counsel for the plaintiff states that this court will not have jurisdiction and the matter will have to be transferred to Debt Recovery Tribunal for further adjudication.

3 The registry to take steps to transfer both the suits to the Debt Recovery Tribunal within six weeks from today.

(K.R.SHRIRAM,J)