

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1385 OF 2013
WITH
CHAMBER SUMMONS NO. 360 OF 2015**

Apurva Annasaheb Mohite	...Petitioner
<i>Versus</i>	
Union of India & 11 Ors.	...Respondents

Mr. Mayur Khandeparkar, *i/b Ms. Sanjana Ghogare, for the Petitioner.*
Ms. Kalpita Ghosh, *i/b M/s. Intralegal for the Respondent No. 4.*
Dr. Birendra Saraf, *a/w Ms. Sapna Rachure, i/b M/s. T. N. Tripathi & Co. for the Respondent No. 7 and for the Applicant in CHSW/360/15.*
Ms. Noor I. Bakali, *for the Respondent No. 11.*

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**

DATED: 22nd January 2016

PC:-

1. This Chamber Summons seeks impleadment of the Applicant/Asset Reconstruction Co. (India) Ltd. & Ors. as party Respondent and in place of Respondent No. 7, Respondent No. 11 and Respondent No. 12.

2. After having heard both sides and finding that the undisputed factual position enables us to direct impleadment so also the impleadment would assist this Court in resolving properly and effectively the controversy, we allow the Chamber Summons in terms of prayer clauses (a) and (b). Amendment to be carried out within a period of two weeks from the date of receipt of a copy of this order.

3. By consent of both sides, we take up Writ Petition No. 1385 of 2013.

4. After having heard both sides and finding that arguable questions are raised, we admit the Writ Petition. **Rule.** Respondents waive notice.

5. At this stage, both counsel appearing for the Petitioner as also for the contesting and substituted Respondent bring to our notice a Division Bench judgment of this Court rendered on 15th December 2015 in Writ Petition No. 73 of 2015 (GSL (India) Ltd. & Asset Reconstruction Co. (India) Ltd. & Ors.) in which this court took a view that the application under Section 17 of the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002 would have to be filed in the Debt Recovery Tribunal within whose jurisdiction the requirements specified under Section 19(1) of the IDDB Act are satisfied. Thus the issue of territorial jurisdiction of the Debt Recovery Tribunal is resolved and both sides concede that this Writ Petition, therefore, would have to be allowed in terms of this judgment.

6. We, therefore, make the Rule absolute and allow the Writ Petition in terms of prayer clause (a). There will be no order as to costs.

7. Since the contesting Respondent is before us and admits that the controversy is covered by the judgments rendered in the Petitions referred above, only for the purposes of present Petition and without causing any prejudice to the Petitioner in the substantive proceedings, we direct deletion of the other Respondents who have not appeared through Advocates.

8. We are of the opinion that the presence of those Respondents whom we have deleted is not necessary in resolving the controversy in the Petition and therefore, deletion from the array of parties only for the present issue will not cause prejudice to the Petitioner and those others who are parties before Debt Recovery Tribunal.

9. The Securitization Application No. 3 of 2013 will stand restored to the file of the Debt Recovery Tribunal-I, Mumbai for being decided in accordance with law.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)