

Dond

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

WRIT PETITION NO.1072 OF 2016

Sun Design Private Limited & Anr. ..Petitioners
Vs.
State Bank of Hyderabad & Ors. ..Respondents

Mr. Chetan Kapadia i/b Sunil Anant Humbre for Petitioner.
Mr. Mayur Khandeparkar a/w Yohan Cooper i/b Puneet K. Gogad for
Respondent No.6.
Mr. R.J. Singh i/b R.J. Singh & Co for Respondent No.1.

**CORAM: ANOOP V. MOHTA AND
A.S. GADKARI, JJ.**

DATE: 19 DECEMBER 2016

ORDER:

1 After hearing the learned Counsel for the parties, we are inclined to dispose of the present petition as the statement is made that when the petition was filed, the Presiding Officer of the Appellate Tribunal was not available and now he is available. The appeal filed by the Petitioner before the Debt Recovery Appellate Tribunal is still pending along with application for interim relief.

2 Therefore, the present writ petition is disposed with liberty to invoke the remedy available under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act).

3 With regard to the continuation of interim relief is concerned, the learned Counsel has pointed out that this Court on 26 April 2016 after hearing the parties granted protection and the same is still in force. Therefore, at this stage to avoid further complications and by keeping all contentions open, the said interim relief is continued for six weeks from today. However, it is made clear that the learned Debt Recovery Appellate Tribunal shall decide the appeal in accordance with the said Act and uninfluenced by the interim order so passed in the matter. Hearing of the appeal be expedited.

4 Writ Petition is accordingly disposed of with liberty. All contentions are kept open.

(A.S. GADKARI,J.)

(ANOOP V. MOHTA, J.)