

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1503 OF 2016

Vipul Bhikalal Sanghani Petitioner
Vs.
Board of Directors, Citi Bank & Others Respondents

WITH

**NOTICE OF MOTION [L] NO.484 OF 2016
IN
WRIT PETITION NO.1503 OF 2016**

Vipul Bhikalal Sanghani Applicant
In the matter between
Vipul Bhikalal Sanghani Petitioner
Vs.
Board of Directors, Citi Bank & Others Respondents

Mr. Mathews Nedumpara with Ms Sarika Gohil i/by
Mr. R.R. Nair & Mr. C.J. Joveson for the Petitioner.
Mr. Rohit Gupta with Mr. Mayur Bhojwani i/by
M/s. M.K. Ambalal & Co. for the Respondent No.5.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : JUNE 30, 2016

P.C:

1. Having heard both sides and noting the valid objection raised by the first respondent-Bank, we dispose of this

writ petition as also the notice of motion with the following directions:

(a) The proceedings which are pending before the Debts Recovery Tribunal (DRT), Mumbai being Securitisation Application No.377 of 2013 and the securitisation application which is now stated to be filed, namely, Securitisation Appeal {Lodging} No.45 of 2016, both by the present petitioner and equally his wife Preeti Sanghani, shall stand transferred to the DRT, Pune.

(b) The Presiding Officer shall take in the first instance all the interlocutory applications and decide them in accordance with law, after hearing both sides.

(c) To enable the petitioner to apply for appropriate interim reliefs in the pending securitisation applications, we direct that for a period of two weeks, the order passed by the Chief Metropolitan Magistrate and the notice dated 18-6-2016 shall not be executed and enforced. If within a period of two weeks in the proceedings before the DRT, Pune, no interim or

ad-interim order is passed, the Assistant Registrar of the Borivali Centre of Courts, Mumbai is free to execute and enforce the warrant to give possession of the secured assets under the order made in that behalf in terms of Section 14(1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. While we clarify that we have not expressed any opinion on the rival contentions on merits, this order is passed only to accommodate Ms Rohini Amin, stated to be the Advocate for the petitioner/applicant before the DRT, Mumbai to obtain such reliefs as are permissible in law for the litigants. This order shall not be treated as a precedent in other cases where Ms Amin is briefed.

3. Needless to clarify, in the event interim or ad-interim orders are not granted, while enforcing and executing the order under Section 14(1) and the notice in that behalf, the Assistant Registrar shall fix an appointment for taking possession of the property and intimate the same to all concerned. The local

police station shall render all assistance to him.

4. The writ petition and the notice of motion accordingly stand disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)