

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

WRIT PETITION (L) NO. 1476 OF 2016

**Countryside Agro Produce }
Private Limited and Anr. } Petitioners
 versus
Punjab & Sind Bank and Ors. } Respondents**

Mr. Atul G. Damle – Senior Advocate with
Mr. Anand J. Shinde for the petitioners.

Mr. S. H. Patel for respondent no. 1.

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

DATED :- JULY 15, 2016

P.C. :-

1) After the petition was argued for sometime and it was brought to the notice of Mr. Damle learned Senior Counsel appearing for the petitioners that all the pleas and contentions can be raised before the Debt Recovery Tribunal in proceedings under section 17(1) of the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act” for short), Mr. Damle seeks leave to withdraw the writ petition with liberty to raise all the contentions before the tribunal.

2) The writ petition is allowed to be withdrawn with liberty as prayed.

3) We have no doubt in our mind that if the petitioners raise appropriate contentions including that in answer to the notice under section 13(2), they have relied upon certain policies and which granted relief much less in part to those units who were styled as agro based, then, the tribunal would duly consider the same when it decides the application under section 17 of the SARFAESI Act. We keep open all contentions of the petitioners and that of the respondent bank.

4) The writ petition is disposed of as withdrawn with liberty as above.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)