

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

**WRIT PETITION (L) NO. 1860 OF 2016**

|                                      |          |                    |
|--------------------------------------|----------|--------------------|
| <b>M/s. Einfratech Systems India</b> | <b>}</b> |                    |
| <b>Pvt. Ltd.</b>                     | <b>}</b> | <b>Petitioner</b>  |
| <b>versus</b>                        |          |                    |
| <b>IDBI Bank Limited and Ors.</b>    | <b>}</b> | <b>Respondents</b> |

Mr. V. S. Kapse with Mr. U. A. Mahadik  
i/b. M/s. Fast Track Legal for the  
petitioner.

Ms. Vinita Hombalkar for respondent nos.  
1 and 2.

Mr. Parag Sheth - Director of the  
petitioner company present.

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

**DATED :- JULY 12, 2016**

**P.C. :-**

After the petition was argued for sometime,  
Ms.Hombalkar appearing for respondent no. 1 bank, on  
instructions states that the order impugned in this writ petition  
has already been enforced, in that possession of the immovable  
property, more particularly set out in the order of the District  
Magistrate, Thane dated 14<sup>th</sup> March, 2016, copy of which is at  
page 75 of the paper book, has been taken and today. The  
position at site is that an inventory is going on and since the

property comprises of a structure, which is vacant and unoccupied by the petitioner, this court should not interfere in writ jurisdiction, that Mr. Kapse seeks leave of this court to withdraw this writ petition with liberty to make appropriate application before the Debt Recovery Tribunal. Leave granted. The writ petition is disposed of as withdrawn with liberty as above.

2) This order is passed in the presence of the director of the petitioner, who is personally present in the court.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)