

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1743/2016

The Akola Urban Cooperative Bank Ltd., Akola through its authorized officer,
Nagpur
...Versus...
Saifuddin Hussain Sadique Hussain and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Agrawal, Advocate for petitioner
Shri A.M. Joshi, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 17.03.2016

Heard.

Since there was no Presiding Officer on the Debts Recovery Appellate Tribunal, Mumbai, the petitioner had approached this Court seeking a stay to the effect and operation of the order of the Debts Recovery Tribunal, Nagpur, dated 10.2.2016. It was informed to this Court that the charge of the Debts Recovery Appellate Tribunal, Mumbai is with the Debts Recovery Appellate Tribunal, New Delhi and it is not possible for the petitioner or for that matter, any other litigant to approach the Debts Recovery Appellate Tribunal, New Delhi and the said remedy is therefore not effective and efficacious. In the circumstances of the case, we had issued notice to the respondents and had also directed the parties to maintain *status quo* as regards the possession of the property. We had

asked the learned Counsel for the Union of India to make a statement within what time the Presiding Officer on the Debts Recovery Appellate Tribunal, Mumbai would be appointed.

Shri A.M. Joshi, the learned Counsel for the Union of India states on the basis of the communication received from the Under Secretary to the Government of India, dated 16.3.2016 that though the Debts Recovery Appellate Tribunal, Mumbai is not functioning, the Chairperson, Debts Recovery Appellate Tribunal, Delhi was requested to visit Mumbai in the alternate week and take up cases that are assigned to the Debts Recovery Appellate Tribunal, Mumbai. It is stated that the Chairperson, Debts Recovery Appellate Tribunal, Delhi has visited Mumbai and conducted the hearings on 14th and 15th March, 2016. It is further stated that for filling-up the post of the Hon'ble Chairperson, Debts Recovery Appellate Tribunal, Mumbai, applications were invited and the last date for receipt of the applications is 21.3.2016. It is stated that efforts are being made for appointing the Hon'ble Chairperson, Debts Recovery Appellate Tribunal, Mumbai at the earliest.

In view of the statement made on behalf of the Union of India that the Chairperson, Debts Recovery Appellate Tribunal, Delhi is visiting the Debts Recovery Appellate Tribunal, Mumbai in the alternate week to take up the cases assigned to the Debts Recovery Appellate Tribunal, Mumbai, the learned Counsel for the petitioner states that the petitioner is desirous of withdrawing the writ petition. The learned Counsel for the petitioner however states that the *ad interim* relief granted by this Court on 10.3.2016 may be continued for a period of six weeks.

In the circumstances of the case, though the petitioner has not effected the service on the respondent no.1 till date, we continue the *ad interim* relief only for a period of six weeks so that the petitioner may approach the Debts Recovery Appellate Tribunal, Mumbai for the redressal of the grievance.

The writ petition stands disposed of as withdrawn. The *ad interim* relief shall continue to operate for a period of six weeks only.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar