

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 7307 OF 2004
WITH
CIVIL APPLICATION NO.5568 OF 2012
IN WP/7307/2004**

**M/S AMAR AMIT JALNA ALLOYS PVT. LTD.
-VERSUS-
THE STATE OF MAHARASHTRA AND ANOTHER.**

...
Advocate for the Petitioner : Shri A M Karad.
AGP for Respondent 1 : Shri B.A.Shinde.
Advocate for Respondent 2 : Shri S.L.Kulkarni.
...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 07th November, 2017

Per Court :

1 The Petitioner, by this petition, has challenged the notice dated 08.11.2004 by which, Respondent No.2 had sought to recover the outstanding loan amount with interest from the Petitioner.

2 This Court, by its order dated 13.12.2004, had granted interim relief in terms of prayer clause (B) and had stayed the notice.

3 Civil Application No.5568/2012 has been filed by Respondent No.2 herein indicating that it is withdrawing the notice dated 08.11.2004 issued under Section 29 of the State Financial Corporation Act, 1951 and

it intends to avail of a remedy with regard to the recovery of the loan amounts outstanding towards the Petitioners.

4 As we find that the Petitioner was before us for challenging the notice dated 08.11.2004, which has now been withdrawn, this Writ Petition is rendered infructuous.

5 We, however, observe that as the matter involves the recovery of the outstanding loan amount, we do not intend to create any embargo on Respondent No.2 in following the procedure as is laid down in law.

6 This Writ Petition as well as the Civil Application stand disposed of. Rule is discharged.

kps

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)