

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.320 OF 2017

M/s Etius Commodities Pvt.Ltd ...	.. Petitioner
vs	
Union of India & Ors	.. Respondents

Mr.Yogendra Kanchan for Petitioner.
Mr.Mohammedali Chunnawalla a/w
Mr.Shalaka Gujdar for Respondents

CORAM: R.M.BORDE AND
A.S.GADKARI, JJ

DATE: 06 MARCH 2017

P.C.

1. This Court in an order dated 25 January 2017 considering the assurance of the Petitioner to deposit whole of the amount of consideration which the Petitioner would be receiving from the prospective purchaser towards arrears of loan payable to the Creditor-Bank has permitted the Petitioner to enter into a transaction with one Mukesh Ramesh Dodeja partner of M/s Acme Trading Company. It was assured on behalf of the Bank that no objection certificate would be issued to facilitate the Petitioner to complete the sale transaction. The Petitioner relying upon the assurance given by the Bank has entered into a transaction with Mukesh Ramesh Dodeja and has

received whole of Rs.1,20,00,000/- which has been deposited directly with the Respondent no.2-Bank. It is contended by the Petitioner that although the Bank has received an amount of Rs.1,20,00,000/-. However, the title documents in respect of the flat in question have not been released.

2. In the circumstances, the Respondent no2-Bank is directed to re-deliver the original documents in respect of Flat No.902-A to the Petitioner within a period of 7 days from today in view of the orders passed by this Court on 11 January 2017, 25 January 2017 and in view of completion of the sale transaction in furtherance of the assurance given to the Court by the Petitioner and the grievance raised that the Petitioner in the instant Petition specifically stands redressed Writ Petition is accordingly disposed of.

(A.S.GADKARI, J)

(R.M.BORDE, J)

