

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 13 OF 2017
WITH
CHAMBER SUMMONS (L) NO. 55 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Prashant Chande a/w Ms. Farhana Khan i/b Kalpesh Nansi for the Petitioner.

Mr. H.B. Takke, AGP for the Respondent nos. 1 to 3.

Mr. S.I.Joshi i/b S. I. Joshi & Co. for Respondent No.5.

Mr. Durgaprasad B. Halwai i/b G.H. Shukla & Co. for Respondent No.7.

Mr. S.P. Sarnath i/b Swaraj Jadhav for Applicant in Chamber Summons.

CORAM : K. K. TATED, J.

DATED : 07/03/2017

PC.:

. Heard learned Counsel for the parties.

2 The learned Counsel for the petitioner submits that as per order dated 28.02.2017 passed by this Court, they already deposited a sum of Rs.5,29,500/- with the Tahsildar by issuing Demand Draft dated 06.03.2017 in the name of Registrar, Industrial Court, Maharashtra, Mumbai. He submits that learned Tahsildar directed them to obtain Demand Draft in the name of Registrar, Industrial Court,

Maharashtra, Mumbai.

3 The learned Counsel for the Petitioner filed additional affidavit of Archana Waghdare, the Authorised Representative of the petitioner dated 07.03.2017 stating that they want to use those equipments and vehicles up to 31.07.2017. Paragraph 4 and 5 of that affidavit reads thus:

“4. The Petitioner submits that they intend to use the equipments and vehicles till 31st July, 2017. The petitioner will hand over the equipments and vehicles to the Tahasildar on or by 31st July, 2017.

5. The Petitioner submits that if Tahsildar holds auction of the equipments and vehicles prior to 31st July, 2017 upon confirmation of auction sale in favour of the prospective purchaser/auction purchaser, the Petitioner shall hand over the equipments and vehicles to Tahsildar within 15 days from the date of receipt of Written intimation from the office of the Tahsildar for handing over the same to the prospective purchaser / auction purchaser.”

4 The learned Counsel for the petitioner submits that in case the Tahsildar calls upon them before 31.07.2017 for handing over those equipments, they are ready and willing to do the same.

5 Considering the undertaking given by the petitioner and averments made in petition, the following order is passed:

a) Petitioner to deposit monthly compensation of Rs.1,76,500/- with the Tahsildar on/or before 10th of every month from April 2017.

b) On handing over the machinery to the

Tahsildar by 31.07.2017, the petitioners are entitled to withdraw sum of Rs.1,30,00,000/- deposited by them in the Registry of this Court with accrued interest, if any, without furnishing any security.

c) Before holding public auction, the Tahsildar is directed to inform the date and place of action to the petitioner and all the Respondents in the present Writ Petition.

d) All contentions of both the parties as well as Applicant in Chamber Summons are kept open.

e) In view of disposal of Writ Petition, Chamber Summons stands disposed of.

f) No order as to costs.

(K.K.TATED, J.)