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

WRIT PETITION No.3050 OF 2016

Shri Ganesh Forgings Ltd. ...Petitioner
Vs.
State Bank of India and Ors. ...Respondents

Mr.Zal T. Andharujina a/w. Mr. A. Dasgupta a/w. Ms. Shruti Sardesai
i/b. Jahangiani Narula and Associates for the Petitioner

Ms. Jaya Alle i/b. AKS Legal Consultants for Respondent No.1

**CORAM : R.M. BORDE &
A.S. GADKARI, JJ.**

DATE : JANUARY 05, 2017

P.C. :

1. It is brought to our notice that the DRT-I, Mumbai has not yet decided the application tendered by the Petitioner and has merely adjourned the matter. This Court while entertaining the petition on 23rd December, 2016, a statement made on behalf of the Contesting Respondent No.1 – Bank, has been recorded to the effect that the bank has not yet issued two weeks' prior notice before taking physical possession of the scheduled property in question.

2. Respondent No.1 Bank is expected to give two weeks' prior notice before taking physical possession of the scheduled property which facilitate the Petitioner to approach the DRT for securing

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appropriate orders. As on today, since Respondent No.1 Bank has not yet issued the prior notice of two weeks for taking physical possession of the scheduled property, the writ petition need not be entertained. It would be open for Respondent No.1 Bank to issue two weeks' prior notice before taking physical possession. The Petitioner may avail the remedy of approaching the DRT for redressal of his grievance. In the event of presentation of appropriate proceedings, the DRT is directed to pass appropriate orders considering merits of claim of the Petitioner expeditiously and, in any case, before expiry of 15 days' period specified in the notice, in the event of issuance of such notice by the Respondent Bank. In view of directions as recorded above, writ petition is disposed of.

[A.S. GADKARI, J.]

[R.M. BORDE, J.]