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

WRIT PETITION No. 1683 of 2018

Nashik Merchant Co-operative Bank,
(Multi State Scheduled Bank)
having its administrative office at A-16,
Padmashree Babubhai Rathi Square,
Subhashchandra Bose Marg, Industrial Estate,
Satpur Taluka and District Nashik
through its authorized officer **...Petitioner**

VERSUS

M/s. Ambarwadikar Company Pvt. Ltd.,
a registered partnership firm
having its registered office at Gat No. 103,
near Datta Temple, Aurangabad. **...Respondent**

Mr. S.V. Adwant & Miss N.B. Kamble, *Advocates for petitioner.*
Mr. Balaji S. Shinde, Advocate for respondent.

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 24th October, 2018

ORAL ORDER:

1. Heard Mr Adwant, learned Counsel appearing for the petitioner.

2. Without going into merits of the petition, in our opinion, petition can be disposed of in view of the prayer of the petitioner and submission of the learned Counsel appearing for the petitioner. Learned counsel submitted that the petitioner had availed a remedy, namely, statutory appeal and the said appeal is

filed before the Chairman of the Appellate Tribunal challenging the order passed by the Presiding Officer, Debts Recovery Tribunal, Aurangabad, dated 14th December, 2015 in Securitisation Application No. 100 of 2015. Learned Counsel submits that for quite some time Chair Person of Debts Recovery Appellate Triubunal, Mumbai, was not available and as per instructions of the Counsel, recently the Chair Person is made available. As such, learned Counsel prays for direction to the Hon'ble Chair Person, Debts Recovery Appellate Tribunal, Mumbai, to take up Appeal No. 126 of 2016 for hearing and dispose of it. Learned Counsel also submits that a time frame schedule of decision may be fixed by this Court.

3. Considering the grievance and the limited prayer of the petitioner, we allow the petition, with a direction in terms of prayer clause "B" thereby directing the Hon'ble Chair Person, Debts Recovery Appellate Tribunal, Mumbai, to take up Appeal No. 126 of 2016 for hearing and decide it as expeditiously as possible and not later than six months from the date of order of this Court. Petition is allowed.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE.

Madkar