

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1596 OF 2018

JK Surface Coating Pvt. Ltd. Petitioner
Vs.
The Union of India & Anr. Respondents

Mr. Bharat Raichandani i/by UBR Legal Advocates
for the Petitioner.

Mr. Pradeep S. Jetly for the Respondent-UoI.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : MARCH 15, 2018

P.C:

1. We had heard this petition extensively on the earlier two occasions.

2. On the prior occasion we had expressed our disinclination to grant any relief unless and until the petitioner secures a substantial part of the revenue.

3. Mr. Raichandani sought time to take instructions and

revert back and therefore the matter was placed today.

4. On instructions from the petitioner's representative present in Court, Mr. Raichandani states that within a period of three weeks from today a sum of Rs.2.5 Crores will be deposited with the respondents but for that the attachment levied on the bank account, details of which are mentioned in prayer clause (a) of this petition, shall be raised.

5. This request is opposed by Mr. Jetly on the ground that in the affidavit in reply it has been pointed out as to how the admitted liability is still not cleared and the liability is in the tune of Rs.5.9 Crores. He, therefore, submits that no indulgence be shown and to such a litigant.

6. Having heard both sides and finding that the bank account of the petitioner has been seized or attached since 4-1-2018 and the petitioner is raising a dispute about the liability but *prima facie* the several factors and aspects pointing against it, as noted in the affidavit in reply, we are inclined to balance the rights and equities. In the event the petitioner brings

in and deposits a sum of Rs.2.5 Crores within a period of three weeks as stated, the respondents on such receipt of the deposit shall treat the same as without prejudice to their rights and contentions to recover the entire amount together with the component of interest and the penalty if imposable and pass the requisite order in accordance with law.

7. In the event the petitioner does not bring in the money and deposit the same, the respondents shall not be required to hold any adjudication nor take recourse to the ordinary and general mode provided by law. They can proceed to enforce their demand and recover the same even by coercive means.

8. For a period of three weeks from today, the attachment levied on the petitioner's bank account with Andhra Bank, Branch at Vashi, Navi Mumbai, is raised with a view to enable the petitioner to comply with the order based on the statement and undertaking given to this Court. We dispose of this writ petition with the clarification that we have not

examined the rival contentions on the merits of the demand. In the event the petitioner brings the monies as directed above, all consequences including a submission to the power and authority of the respondents and the adjudication to be held by them would follow.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)