

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 4700 OF 2015****Bank of Maharashtra & Anr.****..... Petitioners****VERSUS****M/s.VKA Architecture & Ors.****..... Respondents****ALONGWITH****WRIT PETITION (ST) NO. 13604 OF 2015****Bank of Maharashtra & Anr.****..... Petitioners****VERSUS****M/s.Insta Control Private Ltd. & Ors.****..... Respondents**

Mr.Shailendra Kanetkar for the Petitioners.

Mr.Beni Chatterjee, Senior Advocate, a/w.Ms.Purnima Awasthi,
Mr.Hariharan, Mr.Rahul Raj, Ms.Maya Masurkar for the Respondent
no.7.

Ms.Kavita N. Solunke, A.G.P., AS Writ Cell for the State.

CORAM : R.D. DHANUKA, J.**DATE : 5th JULY, 2018****P.C.**

The petitioners have impugned the order passed by the officer under section 47 of the Information Technology Act, 2000. There is no dispute that the Cyber Appellate Tribunal has been already established before whom appeal can be preferred against the impugned order passed by the petitioner.

2. Mr.Kanetkar, learned counsel appearing for the petitioners

accordingly applies for leave to withdraw this writ petition with liberty to file an appeal before the concerned appellate tribunal. Such appeal shall be filed within four weeks from today.

3. *Ad-interim* relief granted by this court to continue for a period of eight weeks from today.

4. The petitioners would be at liberty to apply for continuation of the *ad-interim* order before the Appellate Tribunal. If any such application is made, the Appellate Tribunal shall consider on its own merits.

5. All contentions of both the matters are kept open. It is made clear that this court has not expressed any views on the merits of the matter.

6. The papers and proceedings in the appeal shall be served upon the respondents within three days from the date of filing of such appeal. It is made clear that if the appeal is not filed before the Appellate Tribunal within four weeks from today, interim protection granted by this court to stand vacated without further reference to court.

7. Both the writ petitions are disposed of in the aforesaid terms. No order as to costs.

8. It is made clear that the Appellate Tribunal will entertain the

appeal filed by the petitioners if filed within four weeks from today and shall not dismiss as the time barred as the petitioners were bona fide prosecuting these petitions against the impugned orders in this court.

[R.D. DHANUKA, J.]