

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO. 23041 OF 2017

Shiv Service Pvt. Ltd. & Ors. ... Petitioners
V/s.
Satish Kamble & Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 23046 OF 2017**

Shiv Service Pvt. Ltd. & Ors. ... Petitioners
V/s.
Satish Kamble & Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 23050 OF 2017**

Haresh Virumal Milani & Ors. ... Petitioners
V/s.
Satish Kamble & Ors. ... Respondents

Mr. Nilesh Ojha a/w Mr. Vijay Kurle, Reena Rana, Madhuri Thaware, Kruti Bhavsar, Shashikala Chauhan, Tanvi Kambli, Uttara Khaire, Pravin Sharma for the Petitioners in WPST/23041/2017 and 23046/2017.
Mr. Shivraj Kunjke for the Petitioners in WPST/23050/2017.
Mr. Mayur Khandeparkar a/w Mr. Santosh Bhide i/b Bhide & Associates for Respondent Nos.1 to 4 in Writ Petition (St.) Nos.23041/17 and 23046/17 and for Respondent Nos.1 to 3 in Writ Petition (St.) No. 23050/17.
Mr. D.P. Singh for Respondent No.6 in all Writ Petitions.

**CORAM : A.A. SAYED AND
V.L. ACHLIYA, JJ.**

DATE : 12th JANUARY, 2018.

PC. :

1 In all these three Writ Petitions, the grievance of the Petitioners is that the Registrar, Debt Recovery Tribunal (D.R.T.), has not registered the Applications of the Petitioners under Section 340 of Cr.PC lodged in the Registry of D.R.T.

2 Learned Counsel for the Petitioners has pointed out the judgment of the learned Single Judge of this Court in the case of *Union of India and Ors. vs. Haresh Virumal Milani*, MH/0804/2017. He submitted that the order of the learned Single Judge was carried to the Supreme Court and the S.L.P. came to be withdrawn. He has also relied upon the Judgment in the case of *K.A. Kuttiah vs. The Federal Bank Ltd., Ernakulam & Ors.*, 2006 Cri. L.J. 3541 of the Single Judge of the Kerala High Court.

3 Learned Counsel for the Respondent-Bank, on the other hand, has pointed out the provisions of Section 22(3) of the Recovery of Debts and Bankruptcy Act, 1993 as also Rule 5 of the Debts Recovery Tribunal (Procedure) Rules 1993. He fairly conceded that the Registrar, D.R.T. cannot refuse to process the Applications of the Petitioners. He, however, submitted that the procedure as contemplated under Rule 5 of the Debts Recovery Tribunal (Procedure) Rules, 1993 is required to be followed.

4 Having heard the learned counsel, we are of the view that the Registrar, D.R.T. cannot decline to process the Applications of the Petitioners presented in the Registry of D.R.T.

5 In the said circumstances, we dispose of the Writ Petitions by directing the Registrar, D.R.T. to process the Applications presented by the Petitioners in accordance with law.

6 The Writ Petitions are disposed of in the aforesaid terms. There shall be no order as to costs.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)