

Amk

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

WRIT PETITION NO. 2698 OF 2017

Sandeep Lahiri Choudhury & Ors. .. Petitioners
Vs.
Small Industries Development Bank & Anr. .. Respondents

Mr. C. G. Gavnekar a/w. Mr. G. S. Hiranandani, Mr. A. C. Gavnekar for the Petitioners.

Mr. S. K. Talsania, Sr. Advocate a/w. Ms. Anisha Nair i/b India Law LLP for the Respondent No.1.

Mr. Dushyant Kumar for the Respondent No.2-UOI.

CORAM : R. M. SAVANT & K. K. SONAWANE, JJ.
DATE : 24th AUGUST, 2018.

P. C. :

1. The above Writ Petition has been filed, inter alia, for the reliefs which are comprised in prayer clauses (a), (b) and (c) of the Petition. Amongst the said reliefs, is the relief seeking a direction to be issued to the Respondent No.2 to grant concurrence to the proposal submitted by the Respondent No.1 vide its communication dated 15.04.2014 annexed at Exhibit 'F' to the Petition. As the said prayer itself discloses the proposal submitted by the Respondent No.1 is awaiting decision since the year 2014.

2. The learned Counsel appearing for the Respondent No.2-Government of India through Department of Financial Services, Ministry of Finance, Shri Dushyant Kumar, on instructions, makes a statement that though the

proposal in the past has been received from the Respondent No.1, and though no decision has been taken on the said proposal, a decision would be taken within eight weeks from date, if a fresh proposal is submitted by the Respondent No.1.

3. In the context of the aforesaid submission, it is required to be noted that the Respondent No.1 has submitted the proposal dated 15.04.2014 and thereafter as also necessary requisitions which were made by the Respondent No.2. We, therefore, do not find the necessity of the Respondent No.1 being directed to submit a fresh proposal to the Respondent No.2. The said proposal dated 15.04.2014 is admittedly awaiting decision of the Respondent No.2. The Respondent No.2 is, therefore, directed to take a decision one way or the other on the said proposal within ten weeks from date. The said proposal is part of the Petition annexed at Exhibit 'F', page 130. Since we have considered the Petition only from the aforesaid aspect, we have not dealt with reliefs as comprised in prayer clauses (a) and (b).

4. We, accordingly, leave the contention of the Petitioner open insofar as the said prayer clauses (a) and (b) are concerned to be urged at the appropriate time in appropriate proceedings. We hope and trust that the Respondent No.2 would take a decision on the proposal of the Respondent

No.1 within the time stipulated by us.

5. With the aforesaid observations, the Writ Petition is disposed of.
6. All parties to act on a copy of the instant order duly authenticated.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]

Arjun
Machhindra
Kadam

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2018.08.28
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