

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4329 OF 2018

(Shri Dhanraj s/o Shravan Korde, proprietor of M/s. Dhanraj Korde vs. Union of India thr.
Authorized Officer, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
AUGUST 01, 2018.**

Heard Shri A.R. Agrawal, learned counsel for the
petitioner and Shri S.D. Ingole, learned counsel for the
respondent, for sometime.

2. The petitioner states that the directions contained in the orders of Debt Recovery Tribunal (DRT), Nagpur, dated 15.03.2018 were partly complied with and for remaining compliance, extension was sought.

3. There is dispute between the parties about the date on which extension was applied. The petitioner claims that it was applied before the expiry of period while the respondent submits that the application was submitted after the expiry of period.

4. However, before the orders either granting or rejecting extension could be passed by the DRT, the petitioner collected necessary amount and sought leave of the DRT to deposit that amount. The orders on that

application are not passed and even the orders on prayer for extension are not passed. It is in this situation, that present petition came to be filed on 16.07.2018 and on 18.07.2018 this Court has issued notice. Thus, after 15.04.2018, there were no restraining orders in favour of the petitioner or against the respondent. The respondent, however, could not take possession.

5. Shri Ingole, learned counsel submits that the DRT had passed an order which was to operate in stages. Initial payment was to be made within one week and then remaining amount was to be deposited within a further period of two weeks.

6. A perusal of order shows that upon such deposit, the interim order was to continue and protect the possession of the petitioner for a period of one month.

7. Today, it is an admitted position that the amount as directed by the Debts Recovery Tribunal on 15.03.2018 is deposited. Hence, without observing anything more, we direct parties to maintain status quo as on today till 31.08.2018. On that day, the DRT shall consider the request made by the petitioner for grant of interim relief including the prayer for extension and pass suitable orders at the earliest.

8. It is open to the petitioner to seek extension of interim relief in the proceedings before the DRT. The

petition is accordingly disposed of.

9. Liberty to the respondents to withdraw the amount of Rs.5 lakh with accrued interest thereon, which the petitioner has deposited with the Registry of this Court. The withdrawal shall be without rights and contentions in the proceedings before the DRT.

JUDGE

*GS.

JUDGE

Gopichand
Tanwarram
Shamdasani

Digitally signed by
Gopichand
Tanwarram
Shamdasani
Date: 2018.08.03
10:43:55 +0530