

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 800 OF 2019

KARTHIK INDUCTIONS LTD., REP. BY

B. R. SRIKANTH

... Petitioner

Versus

THE DISTRICT MAGISTRATE AND

COLLECTOR AND 7 ORS.

... Respondents

Mr. Rohit Bras De Sa, Advocate for the petitioner.

Mr. V. Sardesai, Additional Government Advocate for the
respondent- State.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date:- 17th September, 2019

P.C.:

Heard Mr. De Sa, learned Counsel for the petitioner, Mr. V. Sardesai, learned Additional Government Advocate for the respondent No.1 and Mr. Ashutosh Kumar, Chief Manager, Commercial Branch, Vasco Da Gama represents the respondent No.2.

2. At the outset, Mr. Ashutosh Kumar states that the respondent No.2 has its office at Bombay and if the respondent No.2 has to file any reply in the matter, then, sometime will be necessary.

3. On 13/09/2019, we made the following order:

" Heard Mr. Rohit Bras De Sa, learned Counsel for the petitioner.

2. Mr. Rohit Bras De Sa, learned Counsel for the petitioners submits that the petitioner is aware that he has an alternate and efficacious remedy before the Debt Recovery Tribunal in terms of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI). He further submits that the petitioner is a sub-lessee in respect of the portion of the property in question over which the petitioner has put a factory and has engaged several workmen. He, therefore, submits that a limited protection for four weeks may be granted so that the petitioner will be in a position to take out appropriate proceedings before the Debt Recovery Tribunal.

3. Taking into consideration the limited request made by the petitioner and the peculiar circumstances of the present case, we issue notice to the respondents No.1 and 2, returnable on 17/09/2019. In addition to the usual mode of service private service is also permitted. The petitioner to file an affidavit of service."

4. Taking into consideration the limited protection which the petitioner seeks, according to us, it is really not necessary to await for reply from the respondent No.2.

5. In the peculiar circumstances of the present case, we direct the District Magistrate to defer action under Section 14 of the SARFAESI

Act up to 14/10/2019 so that, the petitioners have some time to obtain appropriate orders from the Debt Recovery Tribunal (DRT).

6. We make it clear that we have not examined the merits of the matter and therefore, if any application for interim relief is moved before the DRT, the DRT to dispose of such application without in any manner being influenced by the order made in this petition.

7. However, we make it clear that there will be no question of extension of this period and therefore, if by 14/10/2019 the petitioners are not armed with interim relief, the Magistrate to proceed in accordance with law.

8. With the aforesaid directions and protection the present petition is disposed of.

9. All concerned to act on an authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.