

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO. 8154 OF 2019

Shri Dutt India Private Limited

.. Petitioner

Vs.

The Government of India and ors.

.. Respondents

Ms.Manisha Jagtap i/f J.Shekhar & Co., for the Petitioner.

Mr.Suresh Kumar, for the Respondents.

CORAM : M.S.KARNIK, J.

DATE : 19th MARCH, 2019

P.C. :

. Heard learned Counsel for the petitioner and learned Counsel for the respondents.

2. Learned Counsel for the petitioner seeks leave to withdraw this Petition with liberty to approach the Employees Provident Fund Appellate Tribunal which Appeals are now being heard by CGIT – II, Mumbai. Learned Counsel submits that respondent No.5 – Vasantdada Shetkari Sahakari Sakhar

Kharkhana Limited who is the owner of the sugar factory has already approached the Appellate Tribunal by filing proceedings being Appeal No. 20 of 2017. She would seek appropriate relief in these proceedings or file independent proceedings.

3. Learned Counsel for the petitioner submits that it is a running kharkhana and the petitioner has entered into lease with respondent No.4 - the Sangli District Central Co-operative Bank Ltd., Sangli and State Bank of India. She, however, requests that since it is a running karkhana, the petitioner be permitted to operate the bank accounts for a limited period till appropriate orders can be obtained from the Appellate Tribunal. Learned Counsel for the respondents opposes the request to operate the bank account by the petitioner.

4. In the interest of justice, the following order is passed.

ORDER

- 1) Learned Counsel for the petitioner is granted leave to withdraw the Writ Petition with liberty to

approach the Employees Provident Fund Appellate Tribunal.

- II) For a period of 4 weeks from today, respondent No.2 not to take any coercive steps against the petitioner and the petitioner is permitted to operate the bank accounts.
- III) In the meantime, however, the petitioner shall not part with or transfer the property in their possession by way of lease etc.
- IV) It is made clear that all contentions on merits are kept open.

5. Writ Petition is disposed of in the above terms.

(M.S.KARNIK, J.)