

Sharayu Khot.

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

WRIT PETITION (ST.) NO. 4688 OF 2019

Mr. Deepak Bhagatraj Badgujar & Anr. ...Petitioners

Versus

State Bank of India & Ors. ...Respondents

Mr. Vijay V. Chandavale, Mr. Vishal S. Tambe, for the
Petitioners.

Mr. Zaman Ali, Solicitor N.S. Don Theba, i/by Theba &
Associates, for the Respondent No. 1.

Mr. Sushant Chavan, for the Respondent No. 2.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**

DATE : 14 February 2019

ORDER :

1. The Petitioners have already filed an Appeal before
the D.R.A.T. impugning the order dated 5th April 2018 of the

D.R.T. dismissing the Securitisation Application No. 84 of 2011 filed by the Petitioners.

2. The Petitioners had moved the matter for Circulation before D.R.A.T. and Circulation was accordingly granted for 13th February 2019. The Chairperson, D.R.A.T. however is stated to be on leave from 12 February to 22 February 2019 and therefore, the Petitioners could not apply for ad-interim/interim relief.

3. In view of the above and in the interest of justice, we dispose of the Petition by passing the following order:-

- (i) We record the statement of the learned Counsel for the Respondent-Bank that the Respondent-Bank shall not take possession of the secured asset which is scheduled to be taken tomorrow i.e. 15 February 2019 and shall defer taking possession of the secured asset for a period of

three weeks from today.

- (ii) We record the statement of the learned Counsel for the Petitioners that the Petitioners shall deposit 50 percent of the amount in accordance with Section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within a period of one week in the Waiver Application being Miscellaneous Application No. 170 of 2019. The Registrar, D.R.A.T. to accept the deposit.
- (iii) Parties are at liberty to move before the D.R.A.T. to fix up a fresh date for circulation.
- (iv) The Petition is disposed of in the above terms.

[RIYAZ I. CHAGLA J.]

[A.A. SAYED, J.]