

Sharayu Khot.

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

WRIT PETITION (ST.) NO. 11224 OF 2019

Alfa Apparel

...Petitioner

Versus

Senior Inspector Police & Ors.

...Respondents

Mr. Pankaj Vijayan, i/b Intralegal, for the Petitioner.

Mr. G.S. Gokhale, B Panel, for the Respondent-State.

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

DATE : 11 April 2019

ORDER :

1. The Petitioner is carrying out his business at 101, First Floor, Master Mind II and III, 'E' Building B Wing, Royal Palms, Arey Colony, Goregaon (East), Mumbai - 400 065

(hereinafter referred to as “the said premises”). The Petitioner has entered into a Leave and Licence Agreement dated 1 April 2015 with the Respondent No. 4-Borrower and he is occupying the said premises as a licensee since 1st April 2015 and the Agreement is for a period of 60 months. Learned Counsel for the Petitioner pointed out that there are more than 30 employees working in the said premises. He has submitted that the Petitioner is in the business of exports of garments and the turnover of the Petitioner's business is about Rs. 3.5 Crores and there is machinery worth about Rs. 25,00,000/- apart from inventories valued in the range of 30,00,000/- in the said premises. The stocks of Petitioner lying in the said premises are stated to be of more than Rs. 75,00,000/-. It is submitted to the shock of the Petitioner, he was all of a sudden on 8th April 2019 informed by the Respondent No. 4 - Borrower that the Petitioner is required to vacate the said premises as the Respondent No.4-Borrower had committed defaults in repayment of the credit facilities given by the Respondent-Bank and there was an order dated 4th February 2019 passed by the Chief Metropolitan

Magistrate under Section 14 of the SARFAESI Act for taking over physical possession of the said premises.

2. Learned Counsel for the Petitioner, on instructions from the proprietor of the Petitioner, who is present in Court states that the Petitioner is merely seeking some time and that the Petitioner will vacate the said premises within two months from today i.e. by 11th June 2019. He further submits that the Petitioner is willing to offer twice the licence fees of Rs. 55,000/- which the Petitioner is presently paying. Learned Counsel for the Petitioner states that an attempt was made to serve the Respondent-Bank, however, the Respondent-Bank refused to accept the service and that that the Respondent-Bank has been served by way of e-mail and that an Affidavit of Service will be filed by tomorrow.

3. Issue notice to the Respondent No. 2 - Bank returnable on 16th April 2019. Humdast is permitted. Private notice is permitted in addition.

4. In view of the aforesaid statements and representations made by learned Counsel for the Petitioner, in the interest of justice, let *status quo* be maintained in respect of the said premises until next date.

5. Learned Counsel for the Petitioner, on instructions, further states that till now (i.e. at 12.30 p.m. as the arguments are being heard), physical possession of the said premises is with the Petitioner and has not been taken by the Respondent-Bank.

6. Stand over to 16th April 2019, High on board.

[R.I. CHAGLA, J.]

[A.A. SAYED, J.]