

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

WRIT PETITION (ST.)NO.21163 OF 2019

M/s.Kashish Food & Beverages (P) Ltd.
& Ors.

.. Petitioners

Vs.

Bank of Maharashtra & Ors.

.. Respondents

.....

Mr.Girish Godbole, Senior Advocate a/w. Mr.Vishal S. Tambe,
Advocate for the Petitioners.

Mr.N.C. Walimbe, AGP for Respondent – State.

Mr.Devashish Wani i/b. M/s.D.Y. Wani & Co., Advocate for
Respondent No.1

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.
DATED : JULY 30, 2019.**

P.C. :

Learned Counsel for the Petitioners has tendered an Undertaking of the Authorized Director of Petitioner No.1. The Undertaking *inter-alia* states that the Petitioners shall deposit an amount of Rs.25 Lakhs with the Respondent – Bank against the loan today. A cheque of the aforesaid amount has been handed over to the learned counsel for the Respondent – Bank in Court today. The Petitioner has undertaken to pay a further sum of Rs.25 Lakhs on or before 10th August, 2019. The Undertaking

states that in case the Petitioners are unable to pay Rs.25 Lakhs on or before 10th August, 2019, possession of Flat Nos.103 and 104 shall be handed over to the officer of the Respondent – Bank on or before 5:00 p.m. on 11th August, 2019. We accept the Undertaking. The Respondent – Bank shall defer taking physical possession of the said flats which was scheduled to be taken today.

2 The Petitioners have already filed an Appeal before the DRAT. The Petitioners are free to pursue their Appeal before the DART and seek appropriate reliefs after 10th August, 2019. The DRAT is free to pass orders as it deems appropriate.

3 The Writ Petition to stand disposed of.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)