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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11823 OF 2019

Salgaonkar Sanchar & Ors.

.. Petitioners

Versus

Saraswat Bank Co-Op. Bank

.. Respondent

Mr. Prerak A. Sharma for Petitioners.

Mr. Vivek V. Phadke for Respondent – Bank.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 19, 2019.

P.C.

1. Having perused the pleadings in the Writ Petition and the documents filed therewith, we find that as of 22.05.2018 outstanding amount to the Bank was ₹ 78,40,229.96. The Petitioners paid ₹ 7,00,000/- thereafter, but the debit increases on account of interest liability falling on the shoulders of the Petitioners. E-auction notice was published way back on 11.10.2019. The possession of the secured asset, as pleaded in the Petition, was taken over on 02.08.2019.

2. The Petitioners have filed an application under Section 17 of the SARFAESI Act, 2002 before DRT on 06.09.2019. The said application is listed before the DRT-I on 20.11.2019, which happens to be the date notified for the E-auction. The E-auction has to commence at 1.30 p.m. tomorrow i.e. 20.11.2019.

3. Thus declining relief as prayed for in the Petition, we direct the Presiding Officer of the DRT-I, Mumbai to take up S.A (Lodging) No. 609 of 2019 for hearing as the first matter on board tomorrow and pass such orders as may be warranted.

4. Writ Petition is disposed of.

Pravin D.
Pandit

Digitally signed by
Pravin D. Pandit
Date: 2019.11.19
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE