

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 36234 OF 2018

Nebula Automotive Private Ltd. .. Petitioner
vs.
Punjab and Sind Bank Ltd. and anr. .. Respondents

Mr. S.S. Oka I/b Mr. S.C. Wakankar for the Petitioner.
Ms Geeta P. Sonawane, AAGP for the State.

CORAM : M. S. SONAK, J.
DATE : 26 APRIL 2019.

P.C. :-

- 1] Heard Mr. Oka, learned counsel for the petitioner.
- 2] The challenge in this petition is to the order dated 15th December 2018 by which learned Appeal Court has rejected the petitioner's application for expeditious hearing in Civil Appeal No. 423 of 2018.
- 3] Though the impugned order is a non-speaking order, the same is not required to be set aside. The only reason for which expeditious hearing was applied for by the petitioner was that there are proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (said Act), which the respondent bank has taken out against the petitioner and the same are

proceeding. It is the case of the petitioner that in case such proceedings conclude, then the relief applied for by the petitioner in the appeal will be rendered infructuous.

4] Admittedly, the petitioner has not applied for any interim relief before the Appeal Court to restraint further progress in the proceedings under the said Act. It is quite doubtful whether such leave can be granted by the Appeal Court. But that apart, the fact remains that such relief had not been applied.

6] For the aforesaid reasons, there is really no case made out for expeditious disposal of the appeal. However, if, the petitioner deposits at least 50% of the amount which is claimed by the respondent bank before the Appeal Court without prejudice to its rights and contentions, then, the petitioner is granted liberty to once again apply for early hearing of the appeal. If the amount is indeed deposited, the Appeal Court to consider such application and further consider whether the appeal itself can be disposed of finally

within three months from the date of such deposit/application.

7] With liberty as aforesaid, this petition is dismissed.

(M. S. SONAK, J.)