

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4214 OF 2020

M/s Pranav Omprakash Khake
Distilleries Pvt. Ltd.
Through its Director
Mr Omprakash Babuappa Khake
and Anr.

...Petitioners

Versus

The State of Maharashtra
Through the Secretary and Ors.

...Respondents

Mr Mukul Kulkarni, Advocate holding for
Mr J.A. Menezes, Advocate for Petitioners
Mrs M.A. Deshpande, Addl. G.P. for Respondent-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 18th MARCH, 2020

PER COURT :

1. We have heard Mr Kulkarni, the learned Counsel for the petitioners.
2. The petitioners are challenging the orders passed by the Recovery Officer in the auction sale proceeding or in other words, the auction sale held. The petitioners can challenge the auction before Recovery Officer as contemplated under Rules 66 and 67 of the II Schedule of the Income Tax Act or before the Presiding Officer as may be permissible.

3. The petitioners may avail the remedies as may be permissible. There appears to be disputed questions of fact also.

4. Considering the aforesaid conspectus, we relegate the petitioners to avail the alternate remedy. All contentions are kept open.

5. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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