

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (L) NO. 1649 OF 2020**

Sunil N. Dayalani
Versus
Axis Bank and anr

.. Petitioner

.. Respondents

...

Mr. Nikhil Rajani I/b M/s.V. Deshpande & Co. for Respondent No.1.

Mr.Yatin S. Khochare, AGP for Respondent No.2.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 30th JANUARY, 2020.

P.C:-

1 We see no reason why the petitioner should approach this Court by way of instant petition. Against the measure taken by the first Respondent under Section 13 of the SARFAESI Act, 2002, the petitioner has filed S.A. No.191/2019 in which an interim order was passed on 27th December 2019 staying possession of the secured asset being taken over subject to the petitioner depositing ₹ 22,00,000/- (Rupees Twenty two lakhs) with the Bank on or before 30th December 2019.

2 In the Petition, it is stated that the petitioner could not pay sum of ₹ 22,00,000/- within the time granted by the Tribunal. Reason given is that the State of Maharashtra had to pay the dues of the petitioner. It is pleaded that on 24th January 2020 the petitioner has received dues from the Ministry of Textiles.

3 Suffice it to state the petitioner must approach the Debt Recovery Tribunal praying to the Tribunal that time be extended for compliance with its interim order dated 27th December 2019. In para 12 of the Petition, it is pleaded that the Securitization Application has been fixed for hearing on 22nd April 2020 and circulation sought was not allowed on account of the Presiding Officer of the Tribunal being on leave.

4 When was the mentioning made? Nothing has been stated. For how long Presiding Officer is on leave ? Nothing has been stated.

5 Petition is accordingly dismissed.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE