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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11096 OF 2018

Mr. Hermes P. Lobo

.. Petitioner

Vs.

State Bank of India & Anr.

.. Respondents

Mr. Vivek V. Phadke for Petitioner.

Mr. Rony P. J. for Respondent No.1.

Mr. Sukrut Mhatre for Respondent No.2.

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

FEBRUARY 21, 2020

P.C.

1. Vide a composite order dated 04.05.2017 learned Debts Recovery Appellate Tribunal, Mumbai has decided Appeal No. 83 of 2011 filed by the Writ Petitioner as also Appeal No. 55 of 2012 filed by the State Bank of India.

2. Learned Counsel for the Petitioner states that notwithstanding the generic facts in the Writ Petition, the same is being restricted to a challenge concerning the impugned order relatable to Appeal No. 55 of 2012.

3. We have perused the impugned order. It has decided Appeal No. 83 of 2011 which challenged an order dated 15.03.2011 passed by the Debts Recovery Tribunal. It has also decided Appeal No. 55 of 2012 which challenged the order dated 13.01.2012 passed by the Debts Recovery Tribunal. The two orders were passed in separate Securitization Application Nos. 317 of 2010 and 146 of 2011 respectively.

4. A perusal of the impugned order would show that the narratives of the facts relate to S.A. No. 317 of 2010. After discussing the facts, a conclusion has been arrived at that the order dated 15.03.2011 passed in S. A. No. 317 of 2010 suffers from no legal or jurisdictional infirmity.

5. Without discussing the facts concerning S. A. No. 146 of 2011 and the order dated 13.01.2012 Appeal No. 55 of 2012 has been allowed.

6. There being no discussion concerning the facts relatable to said Appeal, we dispose of the Writ Petition setting aside the impugned order dated 04.05.2017 but limited to the same deciding Appeal No. 55 of 2012.

7. Appeal No. 55 of 2012 is restored for adjudication afresh by the Debts Recovery Appellate Tribunal, Mumbai.

8. No costs.

Pravin
D.
Pandit

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE

Digitally signed
by Pravin D.
Pandit
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