

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3049/2019

M/s. Ahead Infra Projects Pvt. Ltd.

Vs.

Deputy District Registrar, Co-operative Societies, Nagpur.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Shri Roshan Chandurkar, Advocate for the petitioner.

Shri D. P. Thakare, Additional Government Pleader for respondent
No.1.

**CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : 21st JANUARY, 2020.

. The challenge in this petition is to the auction notice dated 08.03.2019 issued by the respondent No.2 – Bank for sale of the properties to realise the amount of borrowed money by the petitioner.

2. On 18.07.2019, we had passed order as under.

“Issue notice to respondents for final disposal of the matter, returnable on 13.09.2019.

Mr. B.M. Lonare, learned Assistant Government Pleader waives service of notice on behalf of respondent No.1.

The auction may go on; however the sale certificate shall not be issued until further orders.

Steno copy allowed.”

3. Thereafter, on 19.12.2019, the following order was passed.

“Put up the matter on 7th January, 2020.

In the meantime, the petitioner shall be at liberty to bring buyer, who can purchase the property in auction for the price more than the price offered by successful bidder. If such buyer is brought then the bank shall at liberty to decide the question as to whom the property is to be transferred.

If the petitioner fails to bring such buyer on or before 30.12.2019, the respondent-bank shall be at liberty to proceed further to issue Sale Certificate in favour of successful bidder.”

4. On 07.01.2020, when the matter was listed before this Court, the petitioner sought further time in the matter stating that the Special Leave Petition has been filed before the Hon'ble Apex Court challenging the order dated 19.12.2019 passed by this Court and it is to be listed in the next week. Hence, this Court adjourned the matter by further period of two weeks, making it clear that on the next date the petition is likely to be taken up for final disposal.

5. The learned Counsel for the petitioner has filed a pursis dated 21.01.2020 stating that the entire record is taken away by the petitioner on 20.12.2019 and it is not yet returned. The petitioner is not providing any instructions to

the Counsel and hence, the learned Counsel seeks permission to withdraw the power in the present matter.

6. We find that the order dated 19.12.2019 passed by this Court operates in favour of the petitioner and that the petitioner is unnecessarily prolonging the matter before this Court. As a result of which, the sale has not been confirmed.

7. In the aforesaid factual background, we permit the learned Counsel for the petitioner to withdraw the power and dismiss the matter in default.

JUDGE

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