

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

WRIT PETITION NO. 4010 OF 2018

(Shri Hari Rice & Agro Ltd. thr. its Managing Director, Prakash Ramdeo Jaiswal, Gondia vs.
Recovery Officer-I; Debt Recovery Tribunal – II, New Delhi & Anr.)

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

Court's or Judge's orders.

Shri Pramod Jaiswal, Advocate for the petitioner.

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CORAM : DIPANKAR DATTA, CJ. &
R.K. DESHPANDE, J.
NOVEMBER 03, 2020.

P.C.

Hearing was conducted through Video Conferencing and the learned counsel for the parties agreed that the audio and visual quality was proper.

The learned counsel for the petitioner has invited our attention to the order dated 07.08.2018 passed by the Recovery Officer-I, Debts Recovery Tribunal-II, Delhi, which we reproduce below :

“Counsel for auction purchaser (M/s. Hari Rice Agro Ltd.) submitted that the review application filed by them before the Hon’ble DRAT, Delhi has been dismissed on 07.05.2018 and the copy of the order has

been filed on 13.06.2018 vide dy. no. 6354. He requested for hearing their application filed for refund of the auction money deposited by them qua the Property bearing Plot No. C-5, situated at MIDC, Gondia.

In this regard it is to be noted that the auction purchaser has also filed a Writ Petition bearing no. 4010/2018 before the Hon'ble High Court of Judicature at Bombay, Nagpur Bench on the issue of refund of the auction amount and as such neither it is not appropriate to press for the same relief before this forum nor would be appropriate for this forum to proceed on the issue pending the writ petition.

Let this matter be listed on 28.09.2018."

In view of the aforesaid order, the learned counsel for the petitioner seeks permission to withdraw this petition so that the Recovery Officer can proceed further in the matter.

We, therefore, permit the petitioner to withdraw this petition. The Recovery Officer shall proceed expeditiously in accordance with law, unless there is any other impediment.

Writ Petition is disposed of accordingly.
No order as to costs.

This order be communicated to the learned counsels appearing for the parties, either on the e-mail address or on Whatsapp or by such other mode, as is permissible in law.

(R.K. DESHPANDE, J.)

(CHIEF JUSTICE)

*GS.