

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO.3544 OF 2020

MAHENDRA VISHWANATHAPPA KAPUSKARI
VERSUS
THE DISTRICT COLLECTOR HINGOLI AND ANOTHER

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Advocate for Petitioner : Mr. Gangakhedkar Shailendra S.
AGP for Respondent No.1-State : Mr. S. R. Yadav-Lonikar.
Advocate for Respondent No.2 : Mr. V. D. Salunke.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 22.07.2021

PER COURT :-

1. On 03.03.2020, this Court had passed the following order :

"1. Issue notice to the respondents, returnable on 24.03.2020. Learned AGP waives notice for respondent No.1.

2. The petitioner shall deposit an amount of Rs.10,00,000/- (Rupees Ten Lakh) within two weeks from today. If the petitioner deposits the amount as directed, then the respondents shall not take possession of the secured assets of the petitioner.

3. It the petitioner fails to deposit the amount as directed, then the interim order shall axiomatically stand vacated.

4. Learned AGP to communicate the order."

2. The petitioner submits that he has deposited an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) with respondent

No.2-Bank pursuant to the above reproduced order, when the alleged outstanding amount was around Rs.19,50,000/- (Rupees Nineteen Lakhs Fifty Thousand). He submits that as the Debt Recovery Tribunal is now available at Aurangabad, the petitioner would approach the said statutory Forum with promptitude and the protection granted by this Court may be continued.

3. Mr. Salunke, the learned advocate representing respondent No.2 submits that, with the passage of about sixteen (16) months from the passing of the ad-interim order, excluding the amount deposited, an amount approximately Rs.14,00,000/- (Rupees Fourteen Lakhs only) is outstanding towards the petitioner. The ad-interim protection granted may not be continued.

4. Considering the above, and since the petitioner had approached this Court when the Tribunal was not available, we permit the petitioner to withdraw this petition. In the event, the petitioner approaches the Tribunal on or before 02.08.2021, the ad-interim protection granted by this Court on 03.03.2020, would be continued till 10.08.2021. The amount

deposited by the petitioner with respondent No.2-Bank, shall be subject to the assessment of the legal dues, which the petitioner may be liable to pay. Insofar as the delay, if any, on the part of the petitioner in approaching the Tribunal, considering the directions of the Hon'ble Apex Court in a PIL during the Covid Lockdown period, the said period till 02.08.2021 shall be considered as a good ground for condonation of delay.

5. This petition is disposed off as withdrawn, in view of the above.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-