

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2261 OF 2020

Kohli Industrial Packers

..Petitioner

Versus

Assistant General Manager,
Bank of Maharashtra Assets Recovery
branch & Anr.

...Respondents

Mr. Anil V. Anturkar, Sr. Advocate a/w. Mr. Prathamesh B. Bhargude
for the Petitioner.

Durgaprasad Halwai i/b. Singhi & Co. for Respondent Nos.1 & 2.

**CORAM : A. A. SAYED &
 MADHAV JAMDAR, JJ**

DATED : 19th JANUARY, 2021

P.C.:

The Writ Petition is filed seeking the following reliefs:

a. That this Hon'ble court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, quashing and setting aside the letter bearing No. AE59/ARB/KOHLI/OTS/MAHARIAAYAT/2018-19 dated 29th March 2019 written by the Respondent No. 1 to the Petitioner herein as illegal and bad in law.

(b) That this Hon'ble court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950 directing the Respondent to extend the benefit of Mahariaayat, for the amount of Rs.181.80 being giving the period of 3 months from the date of the order and directing that there will not be any interest from 29th March, 2019 till the expiry of the

period of 3 months from the date when the Hon'ble High Court has passed the order. So as to enable to remove the injustice which has been done to the Petitioner by the impugned letter dated 29th March, 2019.

(C) That pending final disposal of this Writ Petition as and by way of interim-relief the Honourable Court be pleased to grant stay to the effect and operation of the Demand Notice from the D.R.T. directing the petitioner to pay a sum of Rs.4,15,38,000/- dated 27th Dec 2019.

(e) That pending final disposal of this Writ Petition as and by way of interim-relief the Honourable Court be pleased issue to remove the temporary injunction restraining the Respondent from transferring the title in respect of the property of the Petitioner herein, which is schedule in this petition.

(e) Ad interim relief in terms of prayer clause (C) and (D) be awarded in favour of the Petitioner.

(f) That the costs of this Writ Petition be awarded in favour of Petitioner against Respondent, by this Honourable Court.

2. During the pendency of the Writ Petition, the Petitioner has negotiated with the Respondent-Bank and the matter has been settled. The proprietor of the Petitioner has executed an Affidavit which inter alia states that there is no dispute regarding the OTS offer and he does not have any complaint against the Respondent-Bank and the present Writ Petition would be withdrawn. A "No dues certificate" is also issued by the Respondent-Bank in favour of the Petitioner.

3. We are unable to appreciate why despite the aforesaid settlement and Affidavit, the matter is being sought to be argued on merits. Be that as it may, in view of the aforesaid subsequent events the Petition cannot be entertained. The Writ Petition to stand disposed of in view of the settlement between the parties.

(MADHAV JAMDAR, J.)

(A. A. SAYED, J.)