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

WRIT PETITION NO. 3410 OF 2021

Mahendra Shridhar Attarde

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. A. M. Saraogi a/w Mr. Anand Mishra for petitioner.

Ms. R. A. Salunkhe, AGP for respondent No.1-State.

Mr. Siddharth Samantaray a/w Dimple Tejani i/by Medha Rane
for respondent No.2.

**CORAM : DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE : AUGUST 4, 2021

PC:

1. This writ petition dated February 20, 2021 challenges an order dated February 9, 2021 passed by the Debts Recovery Tribunal – 2, Mumbai while deciding Securitization Application No. 21 of 2020.

2. A remedy of appeal against the impugned order is available to the petitioner under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter 'the Act' for short) and referring to such provision, an objection is raised by the learned advocate for the respondent no.2 as regards entertainability of the writ petition.

3. After hearing progressed to some length, Mr. Saraogi, learned advocate for the petitioner seeks leave to withdraw this writ petition. He also seeks liberty to approach the Debts Recovery Appellate Tribunal under Section 18 of the Act.

3. Leave, as prayed for, is granted. The writ petition stands disposed of as withdrawn. Liberty is granted to the petitioner to pursue the appellate remedy provided by the Act in accordance with law.

4. Section 18(1) of the Act ordains that an appeal thereunder has to be filed within thirty days from the date of receipt of the order of the Debts Recovery Tribunal. In the event the petitioner presents an appeal against the impugned order dated February 9, 2021 by August 23, 2021, we observe that limitation shall not operate as a bar for consideration of such appeal on merits.

5. There will be no order as to costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT

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Date: 2021.08.05
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