

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

WRIT PETITION NO.1441/2021

M/s Jai Shree Shyam Metals, through its partners
..Vs..
District Collector, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.R. Deshpande, Advocate for the petitioner.
Ms K.S. Joshi, In-charge G.P for respondent Nos.1 and 2.
Shri Aadil Mirza, Advocate for respondent No.3.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATED :- 24.3.2021.

Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Learned counsel for the petitioner, upon instructions from the petitioner, seeks leave of the Court to withdraw the petition with liberty to challenge the action by filing an application under Section 17 of the Recovery of Debts and Bankruptcy Act, 1993. He also prays for grant of stay to the impugned order. While permission with liberty as prayed for could be granted, we do not think that any stay could be granted in view of the law laid down by the Apex Court in the case of *Mardia Chemicals Ltd. and others v Union of India and*

others reported in (2004) 4 SCC 311. Accordingly, leave to withdraw the petition with liberty as prayed is granted while keeping all the questions open including the question of limitation.

JUDGE

JUDGE

Tambaskar.

Nilesh
Tambaskar

Digitally signed by
Nilesh Tambaskar
Date: 2021.03.24
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