

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 204 OF 2020

ENKAY CASTLE THROUGH PROPRIETORPETITIONER
N.K. BHUPESH BABU

V/s.

STATE OF MAHARASHTRA THROUGH G.P.RESPONDENTS
AND ORS

Mr. Manoj Harit ii/b Mr. Manoj Harit & Co. Advocate for the
Petitioner

Mr. S. H. Kankal AGP for Respondent nos. 1 to 3

Mr. Sasikumar T.C. for Respondent nos. 4 to 7

CORAM : NITIN W. SAMBRE, J.

DATE: JUNE 14, 2022.

P.C.:

1) Pursuant to the order dated 30/05/2018 and 26/04/2018 passed by MahaRERA Mumbai in proceedings Complaint No. CC0060000000012668, Complaint No. CC006000000001933 and Complaint No. CC0060000000012712, Tahsildar Panvel attached property of the Petitioner of which modification is sought in the present Petition.

- 2) Submissions of counsel for the Petitioner are, value of the property attached is manifold more than liability fastened on the Petitioner. According to him, valuation report itself justifies the claim of the Petitioner which the Petitioner has produced on record.
- 3) According to counsel for the Petitioner, As such, order impugned warrants interference to the extent of modification thereby directing Tahsildar to attach property to the extent to which mentioned in the valuation report so as to satisfy financial liability fastened on the Petitioner.
- 4) The aforesaid valuation report is disputed by the Respondent.
- 5) Be that as it may, in response to the Court's query, counsel for the Petitioner on instructions made a motion for withdrawal of the Petition with liberty to approach the Tahsildar thereby seeking modification of the order of attachment to the extent of such property which shall remain attached for the purpose of satisfaction of the financial liability fastened by the orders passed by Maha Rera referred above.
- 6) In view of above, Petition stands disposed of as withdrawn with liberty as prayed.

7) Needless to clarify that Tahsildar shall decide the prayer for modification expeditiously, however, after hearing parties to the Petition.

[NITIN W. SAMBRE, J.]