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

WRIT PETITION NO. 1675 OF 2022

Mr. Dattatray Govind Jadhav

.. Petitioner

Vs.

The National Co-Op. Bank Ltd. & Anr.

.. Respondents

Mr. Vivek V. Phadke for petitioner.

Ms. Asha Bhuta a/w Mr. Ansul Bhuta for respondent no.1.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: FEBRUARY 21, 2022

PC:

1. The petitioner's appeal under section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [Appeal No. 102 of 2017] before the Debts Recovery Appellate Tribunal, Mumbai (hereafter "DRAT(M)", for short) has been dismissed by an order dated 31st December, 2018 of its Chairperson.

2. In terms of the provisions contained in the second proviso to section 18(1) of the Act, the petitioner had pre-deposited a sum of Rs.10 lakh. Upon the appeal being dismissed, such pre-deposit was not returned to him by the Registrar of the DRAT(M). This led to the petitioner applying for return of such sum, being Misc. Application No. 17 of 2021.

3. Since the office of the Chairperson of the DRAT(M) fell vacant from the middle of September, 2021, the said application could not be taken up for consideration resulting in institution of this writ petition dated 20th January, 2022, seeking an order on the Registrar of the DRAT(M) to return the said sum of Rs.10 lakh together with accrued interest.

4. Although the office of the Chairperson of the DRAT(M) was vacant on the day this writ petition was instituted, notification dated 16th February, 2022 has since been issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Secretariat of the Appointments Committee of the Cabinet, appointing Mr. Justice Ashok Menon (Retd.) as the Chairperson of the DRAT(M).

5. In such view of the matter, the petitioner shall be at liberty to seek circulation of Misc. Application No. 17 of 2021 before the Chairperson after he assumes office.

6. This writ petition stands disposed of with the aforesaid liberty. No costs.

SALUNKE
J V

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(M. S. KARNIK, J.)

(CHIEF JUSTICE)