

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2061 OF 2022

Prakash Mistry and Anr. Petitioners

Vs.

Union of India and Ors. Respondents

Mr. Vishal Hegde for the Petitioners

Mr.P.S.Jetly, Sr.Advocate a/w Mr.Ram Ochani for the
Respondents

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : MAY 2, 2022

P.C.

1. The learned Counsel for the Petitioners submits that the Petitioners have now filed Appeal before the appellate tribunal. However, before the appeal period was over, the Respondent department attached the property of the Petitioners and is proceeding further, as such, the Petitioner filed the present Writ Petition.

2. Mr.Jetley, the learned Senior Advocate for the Respondents submits that the Petitioners have already filed Appeal. The present proceeding would not be tenable.

3. The attachment notice impugned in the present Writ

Petition is pursuant to the orders passed by the adjudicating authority which the Petitioner has assailed in Appeal. The Petitioners may make an application with the appellate authority for stay of the order. The said Application shall be considered by the appellate authority on its own merits. In case the appellate authority grants stay/interim order in favour of the Petitioners, then certainly proceedings pursuant to the impugned order cannot be proceeded further.

4. Petitioners may make an application for stay/interim order before the appellate authority which the appellate authority would consider on its own merits.

5. As the interim order is in force since 23.02.2022, same is continued for a period of six weeks from today so as to enable the Petitioner to make appropriate Application to the appellate authority.

6. Needless to state that on lapse of six weeks, interim order of this Court shall automatically come to an end.

7. Writ Petition disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)