

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

WRIT PETITION NO.241/2022

M/s. Tirumala Powertech, Nagpur and others

..Vs..

Union of India and others

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

Court's or Judge's Order

Mr. Pritesh Bansod, Advocate for the petitioners.

Mr. Santoksingh Sokhi, Advocate h/f Mr. U.M. Aurangabadkar, A.S.G.I. for
respondent No.1.

Ms Ashwini Sakhare, Advocate for respondent No.2.

CORAM :- SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED :- 14.1.2022.

Heard learned counsel for the petitioners. By this petition, the petitioners are seeking quashing and setting aside of the note-sheet dated 5.1.2022 issued by the Personal Secretary to Debt Recovery Tribunal, Nagpur in M.A.No.84/2018 and issuance of the directions to D.R.T. to put up I.A. No.04/2022 seeking stay and other applications for urgent hearing and further directions for postponing the taking over of the possession which is scheduled on 12th January, 2022 and 18th January, 2022 till said application is decided by the D.R.T., Nagpur.

2. Both these directions are not tenable in law as the note-sheet clearly states the reason for inability of the D.R.T., Nagpur to grant any urgent hearing. Note-sheet which has been sought to be quashed and set aside indicates that presently post of Presiding Officer of D.R.T., Nagpur is vacant and charge of the same has not

been given to any other D.R.T. and, therefore, the note-sheet says that the securitization application of the petitioners would be taken up for processing as soon as the Registrar of D.R.T. receives a notification from the competent authority regarding filling of the post of Presiding Officer, D.R.T., Nagpur. This being the present position, the prayer of quashing and setting aside of such note-sheet cannot be entertained and consequently, the second prayer also cannot be granted by this Court.

3. By the other prayer clauses, the petitioners have sought declaration that the action of respondents is void *ab initio* and sought quashing and setting aside of the possession notice dated 20.12.2021 in pursuance of which now the possession has been scheduled to be taken on 12th January, 2022 and 18th January, 2022, and issuance of directions to the respondents for reconsideration of the settlement proposal of the petitioners for settlement.

4. The possession notice dated 20.12.2021, is based upon the order passed by Additional District Magistrate on 18.5.2018 but, in this petition, the order dated 18th May, 2018 has not been challenged in any manner. Therefore, unless and until the basic order is challenged, no relief as regards quashing and setting aside of the possession notice can be granted by this Court. Therefore, this petition cannot be entertained even in this respect. About the last aspect of issuance of directions to the respondents for reconsideration of the settlement proposal, we must say that it being a matter within the policy of respondent No.2, it would be for respondent

No.2 to decide it appropriately and this Court has no jurisdiction to issue any direction to respondent No.2 bank for accepting or reconsidering the settlement proposal submitted by the petitioners. In the result, we find no merit in this petition and it stands **dismissed**. No costs.

JUDGE

JUDGE

Tambaskar.