

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

WRIT PETITION NO. 556 of 2016

Smt. Nirupa @ Neha Sandeep Ahirwar and others

vs.

State of Maharashtra through the Secretary in the Ministry of Home Affairs, Mantralaya 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 Y.J.Maheshwari, Advocate for petitioners.
Shri D. P. Thakre, Additional Government Pleader for respondent nos.1 to 5.
Ms Yoshita V. Paliwal, Advocate h/f Shri V. K.Paliwal, for respondent no.6.
Shri J. B. Gandhi, Advocate for respondent no.11.

CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- NOVEMBER 10, 2022

Shri Y.J.Maheshwari, learned counsel for the petitioners submits that notice has been issued to the petitioners seeking discharge from the proceedings which notice is yet to be served. He therefore seeks time in the matter.

Shri J. B. Gandhi, learned counsel for the respondent no.11-Liquidator submits that during pendency of the present proceedings, the respondent no.7-Company in whose favour the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') was passed on 14.07.2015 has now gone under liquidation. This is in view of the order dated 06.10.2017 passed by the National Company Law Tribunal, Mumbai. By the said order the respondent no.11 has been appointed as Liquidator. It is also pointed out that by the subsequent order passed on 18.06.2019 the respondent no.6-Bank has been included in the list of stakeholders as a creditor.

In view of these subsequent events, we find that it would be necessary for the Bank to enforce its interest by taking appropriate steps before the National Company Law Tribunal, Mumbai. Consequently, the order dated 14.07.2015 passed by the District Magistrate under Section 14 of the SARFAESI Act, would cease to operate.

Keeping all questions raised in the writ petition as well as the contentions of the respondents open, the writ petition is disposed of. Rule stands discharged. No costs.

(M. W. CHANDWANI, J.)

(A.S.CHANDURKAR, J.)

Andurkar..