

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

WRIT PETITION NO. 5551/2021

1. Khusboo W/o Saurabh Jain
(D/o Late Rakeshkumar Jain),
aged about 36 years, Occu: Housewife,
Resident of 1st Floor, Opp. Parul Hospital,
E-6, Shivaji Nagar Bhopal (Madhya Pradesh).
2. Chetna W/o Ankit Bafna
(D/o Late Rakeshkumar Jain),
aged about 31 years, Occu: Housewife,
Resident of Gajraj Arcade, Opp Nikalas Mandir,
Bhaji Mandi, Itwari, Nagpur.

PETITIONERS

.....VERSUS.....

1. Shriram City Union Finance Limited,
Office at Plot No.8A, Udyagiri, Lokmat Square,
Behind Jasleen Hospital, Dhantoli, Nagpur-440 012.
2. Rishiraj S/o Late Rakeshkumar Jain,
aged Major, Occu: Business,
Resident of Flat No.101, Swami Residency,
Nagoba Lane, Chitar Oli No.1, Nagpur-440002.
3. M/s R.Collection, through its Proprietor
Rishiraj S/o Late Rakeshkumar Jain,
aged Major, Occu: Business, at House No.13702,
Gudganj, Baisakhi Shahid Chowk,
B/H BOI Itwari, Nagpur-440002.
4. Meena Wd/o Rakesh Jain,
aged Major, Occu: Widow and Household,
Resident of Flat No.101, Swami Residency,
Nagoba Lane, Chitar Oli No.1, Nagpur-440002.

RESPONDENTS

Shri P.P. Kothari, counsel for the petitioners.
Shri P.J. Mehta, counsel for the respondent no.1.

CORAM : A. S. CHANDURKAR AND SMT. PUSHPA V. GANEDIWALA, JJ.

DATE : 14TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

Service on the respondent nos.2 to 4 is dispensed with.

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The prayer made in this writ petition is to set aside the order dated 24.12.2021 passed by the Debts Recovery Tribunal thereby refusing to condone the delay of seven days in filing securitization application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002'). The Tribunal while passing the impugned order has observed that the explanation furnished by the petitioners was not sufficient warranting condonation of delay.

3. It is not necessary to dilate much on this aspect in view of the fact that by an order dated 10.01.2022 in Miscellaneous Application No.21 of 2022 the Hon'ble Supreme Court has issued directions clarifying that the period from 15.03.2020 to 28.02.2022 shall stand excluded while computing the period of limitation prescribed in the respective Statutes.

Shri P.J. Mehta, learned counsel appearing for the respondent no.1 does not dispute this factual aspect.

4. In view of aforesaid the delay in filing the securitization application under Section 17 of the Act of 2002 stands condoned. The Tribunal shall entertain the proceedings on merits and shall proceed in the matter in accordance with law. For a period of fifteen days from

today, the respondent no.1 shall not take any coercive steps to recover the amounts due from the petitioners in view of the fact that the matter would now be considered by the Tribunal. It is made clear that the prayer for interim relief shall be considered by the Tribunal on its own merits without being influenced by any observation made in this order. It is informed that presently the Member, Debts Recovery Tribunal, Nagpur is not available. It is open for the petitioners to take necessary steps to have their application for interim relief entertained by the learned Member who is in-charge of the Tribunal.

5. Rule accordingly. No costs.

(SMT. PUSHPA V. GANEDIWALA, J.) (A.S. CHANDURKAR, J.)

APTE