

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4509 OF 2023

**VEER GURJAR ALUMINIUM INDUSTRIES PVT LTD THROUGH
ITS MANAGING DIRECTOR BABULAL GURJAR
VERSUS
JM FINANCIAL ASSET RECONSTRUCTION COMPANY LIMITED
AND ANOTHER**

....

Mr. N. B. Khandare, Advocate for Petitioner
Mr. Atul A. Mishra a/w Mr. Y. B. Bolkar, Advocates for respondent
Nos. 1 and 2.

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 28.06.2023

PER COURT :-

1. We have heard the learned Advocates for the respective sides.

2. The Petitioner desires that Original Application No.172/2013 pending before the learned Debt Recovery Tribunal, Aurangabad be decided expeditiously along with Securitization Application No.158/2021. On the other hand, respondent Nos. 1

and 2 have preferred a Transfer Petition No.5/2022 before the learned Debt Recovery Appellate Tribunal. After filing of this petition, on 10.04.2023, the Appellate Tribunal has passed an order on 13.04.2023 directing the Tribunal at Aurangabad not to proceed with the pending proceedings.

3. The grievance of the respondents is that the Petitioner is seeking adjournment before the Appellate Tribunal and simultaneously has filed this petition for seeking orders to the Tribunal at Aurangabad to decide the proceedings.

4. In view of the above, this **Petition is disposed off** with the following directions:-

- (a) The petitioner shall tender its written say to the Transfer Application before the Appellate Tribunal on or before 05.07.2023.
- (b) The learned Appellate Tribunal is requested to hear the litigating parties on 10.07.2023 and thereafter, pass an order on 20.07.2023.

5. Needless to state, if the learned Appellate Tribunal does not grant any relief to the applicants in the Transfer Petition, the Tribunal at Aurangabad would proceed to decide the pending

Original Application No.172/2023 (which is ten years old) and the
Securitization Application No.158/2021, on or before 31.12.2023.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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