

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3593 OF 2023
IN
WRIT PETITION NO. 5267 OF 2023**

Ternate Hospitality Private Limited ... Applicant/Petitioner
vs.
The District Collector & District
Executive Magistrate & Ors. ... Respondents

Mr. Siddharth Samantray with Mr. Niket Harit i/b Manoj Harit &
Co. for Petitioner.

Mrs. Shruti D. Vyas, 'B' Panal Counsel for Respondent – State.

Mr. R. L. Motwani for Respondent No.1

Mr. Malhar Zatakia i/b Shreeram Pingale for Intervenor.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 12 APRIL 2023

P.C. :

. Petitioner in this petition which is filed in the year 2022, has taken out interim application challenging the order passed by the Debt Recovery Tribunal when the original Petition challenges the order passed by the District Magistrate in the year 2018 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act”). Thereafter, Petitioner has approached the Debt Recovery Tribunal for the same orders. Therefore, the petition does not survive. Yet the interim application is taken out.

2 Learned Counsel for the Petitioner after arguing for some time states that liberty may be granted to withdraw the writ petition as Petitioner will agitate all his contentions before the Debt Recovery Tribunal.

3 Writ Petition and Interim applications are accordingly disposed of as withdrawn. All contentions of the parties are kept open.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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