

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12891 OF 2016

Warna Sahakari Baqnk Ltd.
Through Authorized Officer
Mr.Subhash N. Aundhakar ... Petitioner

Versus

Milind Tyre and Rubber Pvt. Ltd.
Through its Diretor
Sou.Archana V. Dhond and Ors. ... Respondents

.....

Mr.Vishwajeet S. Kapse, Advocate for the Petitioner.
Mr.S.H. Kankal, AGP for State–Respondent Nos.3 to 6.

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**CORAM : NITIN JAMDAR AND
MANJUSHA DESHPANDE, JJ.**

DATE : 19 DECEMBER 2023.

P.C. :

On 26 October 2023, the following order came to be passed:

“ The learned Counsel for the Petitioner states that he has received instructions to withdraw this Petition filed by the Petitioner- Bank.

2. The Petitioner-Bank has sought a direction that it may permitted to conduct auction of the suit property after realization of the sale proceed in satisfaction of the recovery certificate. It appears that this relief was sought in light of the claim of the Respondent-Sales Tax Department as against the property.

Various interim orders have been passed in this Petition including order dated 17 January 2018 whereby no objection on the part of the learned AGP and the learned Counsel for the Sales Tax Department were recorded that the Petitioner-Bank be permitted to conduct auction and deposit the purchase price in the Court. It was also directed that the Petitioner- Bank will not issue the final sale certificate to the auction purchaser without leave of the Court.

3. The learned AGP and the learned Counsel for the Sales Tax Department will examine implications of the prayer made for withdrawal of this Petition on the controversy and address the Court accordingly.

4. Stand over to 19 December 2023.”

The learned AGP states that as per his instructions, there are no dues of the State or Sales Tax Department in respect of the subject matter and he has no objection for withdrawal of this Writ Petition. That being the position, the Writ Petition is permitted to be withdrawn and it is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)