

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

WRIT PETITION NO.15439 OF 2022

Sanjeev Kumar Singh and anr. ... Petitioners

V/s.

Phoenix ARC Private Limited ... Respondent

Mr.Vikas K. Singh i/by M/s Lambay & Co., Advocate for the
Petitioners.

Mr.Sanjay Anbhawane, Advocate for Respondent.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 16 JANUARY 2023.**

P.C.:-

1. The Petitioners have challenged the order dated 31 March 2022 passed by the Debts Recovery Appellate Tribunal in Appeal No.11 of 2007 filed by the Respondent.

2. The Respondent is the secured creditor. Petitioner had filed an Application No.30 of 2006 in the DRT. The DRT by order dated 19 September 2006 passed an order in favour of the Petitioners in the securitisation application directing that the Respondent-Bank would not hand over possession of the concerned property. The order was

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passed on 19 September 2006. The Respondent filed an appeal and order passed by the Tribunal was stayed by the Appellate Tribunal and the amount as directed was deposited. The appeal was further disposed of by the Appellate Tribunal setting aside the impugned order and remanding the matter to DRT for reconsideration.

3. Considering the fact that the order passed by the Tribunal passed in the year 2019 was stayed and thereafter proceedings have been remanded to the Tribunal for *de-novo* consideration, we do not find that interference in writ jurisdiction is necessary. The parties will get opportunity to present their case before the DRT.

4. Keeping contentions of the parties open, writ petition is accordingly disposed of.

5. It is open to the Petitioner to request the Tribunal for early hearing, and it is for the Tribunal to decide the same as per its workload.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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