

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14937 OF 2023

Uttar Pradesh State Industrial
Development Authority (UPSIDA)

.. Petitioner

Versus

Asset Reconstruction Co (India) Ltd. (ARCIL) & Ors. .. Respondents

Mr. Prathamesh Kamat a/w. Mr. Kayush Zailwalla i/b Mr. Vivek Phadke, Advocates for the Petitioner.

Mr. Bhalchandra Palav a/w. Ms Kaveri Narkar i/b. Bhal & Co., Advocates for Respondent No.1 and 2.

Mr. Barsha Parulekar, Advocate for Respondent No.3.

Mr. Vivek Patil i/b. Vivek Patil & Associates, Advocate for Respondent No.4.

Mr. Aayush Kothari a/w. Mr. Nikhil Rajani i/b. V. Deshpande & Co., Advocates for Respondent No.6.

CORAM : B. P. COLABAWALLA &

SOMASEKHAR SUNDARESAN, JJ.

DATE : DECEMBER 01, 2023

P. C.

1. Mentioned. Taken out of turn.
2. The above Writ Petition is filed seeking to quash and set aside the Judgment and Order dated 24th November, 2023 passed by the

learned Presiding Officer, DRT-II, Mumbai in Appeal (D) No.2208 of 2023 in Transferred Recovery Proceedings No.2 of 2023 [Recovery Proceeding No.1 of 2012] in Original Application No.162 of 2022. The reason why the present Writ Petition is filed challenging the order of the DRT-II is because the DRAT is currently on leave and would be resuming work only on Monday i.e. 4th December, 2023. By the impugned order, the DRT has directed the Recovery Officer to confirm the sale of Plot No.A-1 situated at Surajpur Industrial Area, Noida, Dadri Road, Greater Noida, Dist. Gautamnagar, Uttar Pradesh-203 207, in favour of Respondent No1. [Shakuntalam Landcraft Pvt. Ltd.].

3. We are informed that the Recovery Officer has adjourned the matter for confirmation of sale on 5th December, 2023. In these circumstances, Mr. Kamat, the learned Counsel appearing on behalf of the Petitioner, sought leave to withdraw the above Writ Petition and to move before the DRAT for whatever relief he seeks.

4. In these circumstances, the above Writ Petition is disposed of as withdrawn with liberty to the Petitioner to move before the DRAT.

5. We make it clear that we have not opined on the merits of the matter which shall be decided as and when the appeal is heard by the DRAT.

6. We would request the DRAT, time permitting, to hear the Appeal filed by the Petitioner as expeditiously as possible.

7. The above Writ Petition is accordingly disposed of. No order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]