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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 773 OF 2024
IN
WRIT PETITION NO. 9499 OF 2023**

Shivkrupa Agro Industries through ... Applicant
its proprietor

Vs.

The State of Maharashtra through ... Respondents
the Principal Secretary and Others

Mr. Vikas Shivarkar i/b. Mr. Mufeez Ansari for the Applicant.

Mr. Abhijeet Kulkarni (through VC) for Respondent – Bank respondent
nos. 4 and 5.

Mr. P. P. Pujari, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 24th JANUARY 2024

P.C.

1. This application is filed for extension of time to deposit amount as directed by order dated 11th August 2023. By the said order ad-interim relief in terms of prayer clause (f) of the Writ Petition was granted subject to deposit of Rs. 3,00,000/- by the applicant.

2. Learned counsel for the applicant states that in view of the family member of the applicant being unwell, the applicant was unable to arrange the amount. Learned counsel for the applicant states that demand draft for an amount of Rs. 3,00,000/- favouring respondent no. 4 bank is ready with the applicant and the same will be submitted with respondent no. 4 – bank latest by 29th January 2024.

3. Learned counsel appearing for respondent no. 4 bank opposes the application on the ground that the time granted to the applicant has expired in September 2023 and the application is belatedly filed only with an intention to stall the recovery proceedings. He therefore submits that by taking extension of time the applicant is delaying the hearing of the petition.

4. Since the applicant has kept the amount ready and undertakes to submit the Demand Draft with respondent no. 4 – bank latest by 29th January 2024, I am inclined to allow the application by extending time granted by order dated 11th August 2023 subject to condition that the Demand Draft will be deposited with respondent no. 4 – bank latest by 29th January 2024.

5. For reasons stated above, application is allowed and the time granted by order dated 11th August 2023 passed in WP/9499/2023 is extended.
6. It is clarified that if the Demand Draft is not deposited by 29th January 2024, the interim protection granted by this order shall stand cancelled and ad-interim relief in terms of order dated 11th August 2023 shall stand vacated without reference to court.
7. On deposit of the amount the ad-interim relief granted on 11th August 2023 to continue till the next date.
8. List the Petitions for admission on 23rd February 2024. To be listed under the caption for "Urgent Admission".
9. Interim Application stands disposed in the above terms.

[GAURI GODSE, J.]