

2. The main application is filed by the respondents under Section 36A(3) of the MPT Act praying for sanction to take loan. The said application is still pending.

3. Learned counsel for the petitioners on instructions submits that the issue of maintainability raised by the petitioners in their application at Exhibit 22 may be directed to be decided alongwith all the issues in the main application. He submits that if the said issue is kept open to be decided along with the other issues in the main application, the petitioners would not press this petition. Learned senior counsel appearing for the respective respondents have no objection for the said liberty being granted.

4. Hence, the petition is disposed of by passing following order :

(i) The petitioners are permitted to withdraw this petition with liberty to raise the issue of maintainability of Application No. 10 of 2023 and locus of the respondents alongwith other issues at the time of deciding the main application.

(ii) Leave as prayed is granted with liberty to the petitioners to raise their objections in terms of their application at Exhibit 22 at the time of hearing of the Application No. 10 of 2023.

(iii) Hence, the contentions of all parties in terms of application at Exhibit 22 to be decided alongwith other issues in the Application No. 10 of 2023, uninfluenced by the reasons recorded in the impugned order.

(iv) It is clarified that I have not examined the rival contentions of the parties on merits, hence all contentions of all parties are kept open.

(v) Writ Petition is disposed of in the above terms.

[GAURI GODSE, J.]