

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4817 OF 2024

Shubh Saraswati Bahuudeshiya Sahakari
Sanstha Marayadit ..Petitioner

Versus

Authorised Officer cum Chief
Manager
Ambit Finvest Pvt Ltd & Anr ..Respondents

Mr.Gauraj Shah /b Mr.Mahesh B. Karule,
Advocates for the Petitioner.

Mr.Murlidhar Kale, Advocates for the Respondents
through VC.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : MARCH 28, 2024

P.C.

The above Petition is filed seeking the following
reliefs:-

- i. "Allow the present petition and issue appropriate writ, direction or order, thereby restraining the respondent numbers NBFC from creating any third party interest in property described in paragraph no.2 and from transferring the possession of the said property to any third person, during pendency of the present proceedings i.e. Securitisation Application number SA 311 /2023 before the learned Debts Recovery Tribunal III at Mumbai.
- ii. Restrain the respondent NBFC from taking any action in furtherance of the notice dated

06.03.2024 (EXHIBIT-P/02), during pendency of the Securitization Application number SA 311/2023 before the Ld. Debts Recovery Tribunal at Mumbai-III.”

2 It has been brought to our attention that the Petitioner herein has already filed an Appeal before the Hon’ble DRAT challenging the order dated 27th February, 2024 passed in in Interim Application No.571 of 2024 in S.A.No.311 of 2023.

3 The purpose of filing the present Petition appears to be for thwarting the sale that is to be conducted by e-auction on 30th March, 2024. According to the Petitioner, they have been constrained to file this Writ Petition because DRAT is on leave and will be resuming only on 1st April, 2024.

4 We are not inclined to entertain the Writ Petition for two simple reasons. Firstly, the DRAT, Chennai is the DRAT in-charge, when DRAT Mumbai is unavailable. Secondly, the impugned order was passed as far back as on 27th February, 2024, and the Appeal of the Petitioner (before the DRAT) has been lodged only on 26th March, 2024. There is absolutely no explanation as to why one month was taken to approach the DRAT. We, therefore, are not inclined to entertain the above Writ

Petition. It is accordingly dismissed. However, there shall be no order as to costs.

5 It is needless to clarify that any sale conducted by the Respondent Bank shall be subject to the outcome of the Appeal filed and pending before the DRAT.

6 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.]