

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2741 OF 2024

Tata Capital Financial Services Ltd ..Petitioner

Versus

The State of Maharashtra & Ors ..Respondents

***Mr.Nikhil Mehta i/b KMC Legal Venture, Advocates
for the Petitioner.***

***Mr.A. I. Patel, Addl.G.P., with Ms.Tanaya Goswami,
AGP, for the State/Respondent.***

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : APRIL 22, 2024

P.C.

The above Writ Petition is filed inter alia to direct Respondent No.2 to take physical possession of the mortgaged property in terms of the order dated 6th May, 2022 passed under Section 14 of the SARFAESI Act, 2002. The learned counsel for the Petitioner submitted that before the order could be implemented, there is already a Section 95 Petition filed against the borrowers under the provisions of the Insolvency and Bankruptcy Code, 2016 (for short “***the Code***”). He therefore, submitted that in light of Section 96 of the said Code, the Petitioner cannot proceed with the present Petition. He, therefore, sought leave to withdraw the above

Writ Petition with liberty to approach this Court as and when the proceedings before the NCLT are disposed of. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed. No order as to costs.

2 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.]