

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10944 OF 2024

Hubtown Ltd., Chembur, Mumbai	.. Petitioner
Vs.	
State of Maharashtra and Ors.	.. Respondents

Mr. V.R. Dhond, Senior Advocate, with Mr. Charles De Souza, Mr. T.N. Tripathi and Ms. Kalyani Wagle, Advocates, i/by T.N. Tripathi & Co., for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader, with Mr. S.P. Kamble, Assistant Government Pleader, for Respondent No.1.

Mr. Rashmin Khandekar with Ms. Karishni Khanna, i/by Mr. Amit Tungare and Mr. Rishikesh Chindarkar, Advocates for Respondent No.4.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 7TH AUGUST, 2024.

PC. :

1. The challenge raised in this writ petition is to the notice dated 18th July 2024 that has been issued by the Court Commissioner informing the petitioner that steps would be taken to take over possession of the mortgaged property on 9th August 2024 at about 12:00 p.m. The reason for the petitioner coming to this Court under Article 226 of the Constitution of India is that the Debts Recovery Tribunal by its earlier order dated 21st June 2024 permitted the petitioner to deposit an amount of Rs.3 crores within fifteen days from the date of the order as a condition

for deferring the taking over of physical possession. It is not in dispute that the amount of Rs.3 crores came to be duly deposited. On 9th July 2024, the learned Presiding Officer recorded the following compliance :-

“Counsel for the Respondent fairly admits that the Applicant has complied with the order dated 21.06.2024 and compliance affidavit (Exhibit-10) filed by the Applicant.

Now, matter be put up before the learned Registrar on 17.10.2024.”

2. The proceedings were thereafter kept before the Registrar on 17th October 2024. Notwithstanding the aforesaid, the Court Commissioner, oblivious of the earlier order proceeded to issue the possession notice.

3. After hearing learned counsel for the parties, the learned counsel for the respondent no.4, on instructions, submits that if the proceedings before the Debts Recovery Tribunal are expedited, it would not go ahead with execution of the possession notice issued on 18th July 2024.

4. Prima facie we find that the petitioner has complied with the order dated 21st June 2024, which fact was admitted by the respondent no.4. In this backdrop therefore the statement made on behalf of the respondent no.4 is accepted. Accordingly, the following order is passed :-

- (i) The proceedings in Securitization Application No.144 of 2024 pending before the Debts Recovery Tribunal-II are expedited with liberty to the respondent no.4 to seek further time-bound disposal of the said proceedings.
- (ii) All points raised are kept open for being urged before the Debts Recovery Tribunal.

5. The writ petition is disposed of in aforesaid terms. No costs.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]