

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2191 OF 2023

Arvind Gupta and Ors.

....Petitioners

V/s.

M.T. Gawandi, Office of the

Recovery Officer and anr.

....Respondents

Mr. Satish S. Sharma with Ms. Rashmi A. Yati, for the Petitioners.

Mr. Shailesh S. Pathak, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 15 January 2024.

P.C. :

1. By this petition, Petitioner challenges the prohibitory Order dated 5 April 2023 passed by the Recovery Officer of Employees State Insurance Corporation by which the bank accounts of the Petitioner with Respondent No.2-Yes Bank are attached towards recovery of amounts due from M/s. Ahan Apparel Pvt. Ltd. It appears that Petitioners No.1 and 2 are the Directors of M/s. Ahan Apparel Pvt. Ltd, whereas Petitioner No.3 is Hindu Undivided Family.

2. Perusal of the plaint would indicate that all movable and immovable properties of M/s. Ahan Apparel Pvt. Ltd as well as personal properties of Petitioners No.1 and 2 have already been attached by Banks under the proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**Securitisation Act**). It is Petitioner's case that they have lost control over the said Company and its assets. It appears that the Order under the provisions of Section 54 of the Employees State Insurance Corporation Act has been passed against M/s. Ahan Apparel Pvt. Ltd and not against Petitioners No.2 and 3. That Order will have to be enforced against the Company and not against the Petitioners. Also in view of the attachment of movable and immovable assets of the Company and of Petitioners No.1 and 2 by Banks under the Securitisation Act, the Respondent-Corporation will have to take necessary steps to register their claims for recovery of dues payable by M/s. Ahan Apparel Pvt. Ltd. For that purpose, the Petitioners will have to provide the necessary information to the Respondent-Corporation about the names of the Banks and particulars of proceedings under which the attachment of assets has been made. The learned counsel appearing for the Petitioner, would fairly submit that such details would be provided to the Respondent-Corporation within a period of four weeks from today. In view of the above, the impugned prohibitory Orders are set aside leaving open all the remedies available to the Respondent-Corporation to recover the dues from M/s. Ahan Apparel Pvt. Ltd. The Petition is **disposed of**.

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SANDEEP V. MARNE, J.