

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

WRIT PETITION (L) NO. 4131 OF 2024

HAQ Steels & Mataliks Limited ...Petitioner

***Versus***

Adi Impex Services & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 29735 OF 2023

Ms. Deyon Braganza @  
Ms. Deyon Emilia Sophie Braganza ...Petitioner

***Versus***

Municipal Corporation of Greater Mumbai & Ors ...Respondents

Mr. Harshad M. Inamdar, Advocate for the Petitioner in  
OS/WPL-29735/2023.

Ms. R.M. Hajare, i/b Sunil Sonawane, Advocates for Respondent-  
MCGM.

CORAM : B. P. COLABAWALLA &  
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 06, 2024

PC :

1. The above matter has been moved for speaking to the minutes of the order dated 5<sup>th</sup> March, 2024. The learned Advocate appearing on behalf of the Petitioner in Writ Petition No.1416 of 2024

(Writ Petition (L) No.29735 of 2023) submitted that his matter, and which is filed on the Original side, is wrongly included in the cause title of the order dated 5<sup>th</sup> March, 2024. He submitted that what ought to have been incorporated was the same Writ Petition lodging number but which is filed on the Appellate side, and in which the parties are also different.

2. We have perused the papers. We find considerable force in the argument canvassed by the learned Advocate appearing on behalf of the Petitioner in Original side Writ Petition (L) No.29735 of 2023. This Writ Petition filed on the Original side has got nothing to do with the dispute which is the subject matter of the said order. This clearly appears to be a mistake. Hence, in the cause title of the order dated 5<sup>th</sup> March, 2024, for :-

**“WITH**

**WRIT PETITION (L) NO.29735 OF 2023**

**Ms.Deyon Braganza @  
Ms. Deyon Emilia Sophie Braganza**

**.. Petitioner**

**Versus**

**Municipal Corporation of Greater  
Mumbai & Ors.**

**.. Respondents”**

will be substituted with :-

**“WITH  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION (ST) NO.29735 OF 2023**

**L7 Hitech Private Limited**

**.. Petitioner**

**Versus**

**State Bank of India & Ors.**

**.. Respondents”**

3. No other correction is sought. The correction shall be carried out in the original order as well as in the copy uploaded on the server.

4. 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.]**

**For the sake of convenience the order dated 5<sup>th</sup> March, 2024 (as corrected) is reproduced hereunder:-**

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

**WRIT PETITION (L) NO.4131 OF 2024**

**HAQ Steels & Mataliks Limited**

**.. Petitioner**

**Versus**

**Adi Impex Infra Services & Ors.**

**.. Respondents**

**WITH**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (ST) NO.29735 OF 2023**

**L7 Hitech Private Limited**

**.. Petitioner**

**Versus**

**State Bank of India & Ors.**

**.. Respondents**

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**Mr.Venkatesh Dhond, Senior Counsel a/w Aditya Pimple a/w Pranil Pansare, Vaishali Bhilare, Kadambari Patil i/b Pavitra Manesh, Advocates for the Petitioner in Writ Petition (L) No.4131 of 2024.**

**Mr.Anil Mulchandani (through V.C.) a/w Amey Deshpande, Advocates for Petitioner in WP(L)/29735/2023.**

**Ms.Shrishti Shetty i/b M.V. Kini and Co., Advocate for Respondent No.2.**

**Ms.Sonali Jain, Advocate for Respondent Nos.11 to 15.**

**Mr.Ojas G. Gole, Advocate for Respondent No.9.**

**Mr.Siddia Jaka, Authorized Representative of Respondent No.1 is present.**

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**CORAM: B. P. COLABAWALLA &  
SOMASEKHAR SUNDARESAN, JJ.**  
**DATE: MARCH 05, 2024**

**P. C.**

**1.** Writ Petition (L) No.29735 of 2023 is not on board. With the consent of the parties taken on board.

**2.** Writ Petition (L) No.4131 of 2024 is filed seeking the following reliefs:-

- "(a) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ of like nature and quash and set aside the impugned Order dated 30<sup>th</sup> June 2023 passed by the Ld.DRAT, Mumbai;
- (b) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ of like nature and quash and set aside the impugned Order dated 9<sup>th</sup> January 2024 passed by the Ld.DRAT, Mumbai;
- (c) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ of like nature and quash and set aside the impugned Order dated 29<sup>th</sup> January 2024 passed by the Ld.DRAT, Mumbai;"

**3.** Mr.Dhond, the learned senior counsel appearing on behalf of the Petitioner in Writ Petition (L) No.4131 of 2024 fairly stated that as far as the impugned order dated 29<sup>th</sup> January, 2024 is concerned, the Petitioner is not challenging the said order.

4. As far as the order dated 30<sup>th</sup> June, 2023 is concerned, Mr.Dhond submitted that rather than challenging the said order at this stage, the Petitioner would be satisfied if the Appeal (Diary) No.1101 of 2023 along with any other Appeals that are filed by any parties challenging the sale in favour of the Petitioner are heard expeditiously. He submitted that he is seeking this relief in the peculiar facts and circumstances of this case because the Petitioner is not only the successful bidder in the auction conducted by the Recovery Officer but has also paid the full consideration of Rs.23.28 Crores on 3<sup>rd</sup> April, 2023. Mr.Dhond submitted that since the Petitioner is out of pocket for such a large amount, and yet possession is not handed over to the Petitioner, it would be in the interest of justice if the challenge to the sale in favour of the Petitioner is decided as expeditiously as possible so that the Petitioner is also then aware as to how to settle his affairs.

5. The learned counsel for the respective Respondents in the Writ Petition (L) No.4131 of 2024 as well as learned counsel appearing on behalf of the Petitioner in Writ Petition (L) No.29735 of 2023 have all joined in the request of Mr.Dhond to hear the Appeals filed before the DRAT as expeditiously as possible.

6. Considering the consensus before us, we dispose of these Writ Petitions by requesting the DRAT to hear all the Appeals challenging the sale in favour of the Petitioner in Writ Petition (L) No.4131 of 2024 filed by any of the parties, including State Bank of India, as expeditiously as possible and preferably within a period of 8 weeks from this order being brought to the attention of the learned DRAT.

7. If there are any office objections in any of the Appeals filed before the DRAT, the same shall be removed within a period of 2 weeks from today, failing which, the Appeals which suffer from such defect shall automatically stand dismissed.

8. Both the above Writ Petitions are accordingly disposed of. However, there shall be no order as to costs.

9. 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.]**