

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.04.24
19:21:48 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5520 OF 2025**

Chirag Garg (Through Attorney Holder
Mr. Pramod S. Churiwala)

...Petitioner

Versus

S. K. Sharma And Ors.

...Respondents

Mr. Ram Upadhyay a/w. Mr. Anuj Pande, Advocates i/b. Law Competere Consultus, for Petitioner.

Mr. Prathamesh Kamat (through V.C), Mr. Nikhil Ranaji a/w. Mr. Dhruvam Gaikwad, Advocates i/b. M/s. V. Deshpande & Co., for Respondent No.2.

Mr. Anirudh Hariani, on behalf of Official Liquidator for Respondent No.3.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 24TH APRIL 2025

P.C. :

1. The Petitioner is aggrieved by the order of Recovery Officer dated 21.03.2025 in recovery proceedings No.278 of 2004. By that order, warrant of arrest has been issued against the Petitioner.

2. The remedy of approaching the Debts Recovery Tribunal (DRT) for challenging this said order is available to the Petitioner. We are, therefore, inclined to permit the Petitioner to avail the aforesaid remedy. However, since the Petitioner is facing a warrant of arrest, some breathing time would have to be granted to the Petitioner. Accordingly, by keeping all contentions of the parties on merits open, the following order is passed:

- (a) The Petitioner is granted time of 10 days to approach the DRT for challenging the order dated 21.03.2025 passed by the Recovery Officer.
 - (b) It would be open for the parties to raise all contentions before the DRT.
 - (c) For a period of 10 days' the warrant of arrest shall not being executed against the Petitioner.
3. With the aforesaid directions, the writ petition is disposed of.
4. Parties to act on authenticated copy of this order.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)