

Recovery Tribunal (DRT) constituted under The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, (SARFAESI).

3. However, Mr. Menezes, the learned Counsel, pointed out that on account of the present situation that has arisen due to the pandemic and the consequent logistical difficulties in instituting proceedings before the DRT, some interim protection may be granted. Mr. Menezes pointed out that the apartment which is proposed to be auctioned is in Goa where the petitioners' reside and the DRT is in Mumbai. He, therefore, submits that unless some reasonable time is granted, access to DRT will be extremely difficult in the present situation.

4. We issue notice to the respondents, returnable on 14th August, 2020.

5. From today, upto 14th August 2020, we grant ad-interim relief in terms of prayer clause (c) of this petition. The petitioners will have to take immediate steps to serve the notice in this petition as well as this ad-interim order upon the respondents, including in particular the respondent nos.2 and 3. If we find that there is any delay or unnecessary lethargy in service, the ad-interim order now granted may be vacated.

6. Apart from the aforesaid, we grant liberty to the parties including the respondent nos.2 and 3 to apply to this Court for modification.

7. In addition to the usual mode of service, private service including service by registered speed post/email is permitted.

8. We clarify, that the pendency of this petition shall not be a bar to the petitioners instituting appropriate proceedings before the DRT in the meanwhile and applying for interim reliefs therein.

9. Stand over to 14th August, 2020.

10. All concerned to act on the basis of an authenticated copy of this order.

3. Today, Mr. Menezes submits that the necessary petition/application before the DRT has already been prepared and was about to be filed, but, could not be filed due to incessant rains in Mumbai. He stated that the petition/application will be filed within a week from today.

4. According to us, the DRT, is the appropriate Authority to deal with the issues raised in the present petition. The remedy before the DRT will be the alternate and efficacious remedy in these circumstances. Accordingly, we decline to entertain this petition.

5. However, taking into consideration the request made by Mr. Menezes, which request is seconded by

respondent nos. 4 and 5, who appear in person, we extend the interim order by a period of only four weeks from today. The grant and the extension of this interim order is primarily taking into consideration the pandemic situation and the difficulties expressed in accessing the DRT, which is at Mumbai.

6. Mr. Menezes pointed out that the immovable properties are in Goa, but, the proceedings will have to be filed in DRT at Mumbai, which has jurisdiction over the subject matter.

7. We make it clear that we have not adjudicated the matter on merits and even the interim order was granted only to enable the petitioner to tide over the difficulties, which were expressed. Therefore, there is no question of the DRT being influenced by the interim order granted by us. Any motion for interim relief will have to be adjudicated on its own merits and in accordance with law.

8. We, accordingly, dispose off this petition, but, continue the interim relief for a period of only four weeks from today.

9. All concerned to act on the basis of an authenticated copy of this order.

M.S. JAWALKAR, J.

M.S. SONAK, J.

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