

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 108 OF 2020

Devendra Bora & anr.

..... Petitioner

*V e r s u s*

Andhra Bank & 5 Ors.

..... Respondents

Mr. Valmiki Menezes, Advocate for the Petitioners.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 27<sup>th</sup> July, 2020

P.C.

1. Heard Mr. Valmiki Menezes, the learned Counsel for the petitioners.
2. According to us, the petitioners have an alternate efficacious remedy before the Debt 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 14<sup>th</sup> August, 2020.
5. From today, upto 14<sup>th</sup> 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 14<sup>th</sup> August, 2020.

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

**M. S. JAWALKAR**

**M. S. SONAK, J.**

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