

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION (L) NO. 29102 OF 2011.

M/s. Horizon Realty Private Limited.	..Petitioners.
vs.	
The Saraswat Co-operative Bank Limited.	..Respondents.
....	

Mr. Rafeeq Peermohidah, i/b. Nidhi Singh, Vidhi Partners, for
Petitioners.
Mr. Harshad Sathe, for Respondents.

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**CORAM : S.J. KATHAWALLA &
A.M. THIPSAY, JJ.
(VACATION BENCH)**

DATE : 28TH OCTOBER 2011.

P.C. :

Mentioned. Not on Board. Taken on Board.

2. Heard the learned Advocates appearing for the parties. By this Application, the Petitioners inter alia seek extension of the stay granted by the Debt Recovery Appellate Tribunal qua its impugned order dated 29th September 2011. It is submitted that the post of the Chairperson, D.R.A.T., Mumbai has fallen vacant and the charge is with the Chairperson, Kolkata. The Petitioners therefore filed an Appeal on 25th October 2011 at Bombay and moved the D.R.A.T., Kolkata yesterday i.e. on 27th October 2011 for placing the Appeal for Admission. However, the learned Chairperson, D.R.A.T. Kolkata did not preside on 27th October 2011.

3. We have perused the impugned order and have noted that the learned Presiding Officer has stated in paragraph 15 of the impugned order that the proceeding involves juxtaposition and

interpretation of some documents and therefore it is necessary to provide breathing time to the Applicant to approach the higher forum, if he so desires. The Presiding Officer had therefore granted stay on his order for a period of four weeks which stay has expired yesterday.

3. After hearing the learned Advocates appearing for the parties, the stay granted by the Presiding Officer, D.R.A.T. by his order is extended only for a period of two weeks from today.

4. The Chairperson, D.R.A.T., shall hear the parties for admission of the Appeal within a period of two weeks from today.

5. The Writ Petition is accordingly disposed of.

[A.M. THIPSAY, J.]

[S.J. KATHAWALLA, J.]