



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

WRIT PETITION (L) NO.19661 OF 2023
ALONG WITH
INTERIM APPLICATION NO.35558 OF 2023
IN
WRIT PETITION (L) NO.19661 OF 2023

Satiata Engineering (I) Pvt. Ltd. Petitioner/Applicant

Versus

The Board Directors of Axis Bank
Ltd. & Ors. Respondents

Mr. Mathew Nedumpara (through V.C.) *a/w. Ms Hemali i/b. Nedumpara & Nedumpara, Advocates for Petitioner/Applicant.*

Ms Sanaea Laskari *Advocate i/b. Phoenix Legal for Respondent Nos.1 & 2.*

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

DATE : JANUARY 22, 2024

P. C.

1. The above Writ Petition is filed *inter-alia* seeking a declaration that the Petitioner is covered by the provisions of the Micro Small Medium Enterprises Development Act, 2006 [MSME Act, 2006] and is entitled to the nursing and care provided under the notifications issued thereunder and in particular Notification No.



S.O.1432(E) dated 29th May, 2015, which provides for a framework of rehabilitation of MSMEs since the MSME Act is a special and later law.

2. Mr. Nedumpara, the learned Advocate appearing on behalf of the Petitioner fairly submitted that though the issues in the above Writ Petition are covered by a decision of a Division Bench of this Court in the case of *M/s. A. Navinchandra Steels Pvt. Ltd. & Anr. Vs. Union of India & Ors. [Writ Petition No.4620 of 2022 decided on 11th January, 2024]* alongwith other connected matters, he disagrees with the said decisions. In other words, according to Mr. Nedumpara, it is wrongly decided and does not lay down the correct law. Mr. Nedumpara submitted that the aforesaid decision is in the process of being challenged before the Hon'ble Supreme Court. Mr. Nedumpara submitted that since possession of the secured asset is to be taken on 23rd January, 2024, a status-quo order be granted to enable the Petitioner herein to approach the Hon'ble Supreme Court.

3. The learned Advocate appearing on behalf of Respondent Nos.1 and 2, on instructions, stated that all interim orders passed in any Interim Applications [in the bunch of Writ Petitions decided by this Court on 11th January, 2024] continued for a period of two weeks



from 11th January, 2024 [i.e. upto and including 25th January, 2024].

The learned advocate, on instructions, therefore stated that the 1st and 2nd Respondent shall not take any coercive action against the secured asset till 25th January, 2024.

4. In light of this statement, we dispose of the above Writ Petition by holding that the issues in the said Writ Petition are covered by a Division Bench decision of this Court in the case of *M/s. A. Navinchandra Steels Pvt. Ltd. [supra]* and direct that no coercive action shall be taken against the secured asset, which forms the subject matter of this Writ Petition, till 25th January, 2024.

5. In view of the disposal of the above Writ Petition, nothing survives in the above Interim Application and the same is also accordingly disposed of.

6. 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.]