

ITEM NO.18 **Court 4 (Video Conferencing)** **SECTION XV**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.14418-14419/2021

(Arising out of impugned final judgment and order dated 19-07-2021 in DBSAW No.524/2021 07-09-2021 in DBCSA No.524/2021 passed by the High Court of Judicature for Rajasthan at Jaipur)

M/S TALEDA SQUARE PVT. LTD.

Petitioner(s)

VERSUS

BANK OF MAHARASHTRA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.116366/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.116367/2021-EXEMPTION FROM FILING O.T.)

Date : 20-09-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) **Mr. Chinmoy Pradip Sharma, Sr. Adv.**
 Mr. Mohit Paul, AOR
 Ms. Sunaina Phul, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The Special Leave Petitions are directed against an interim order of a Division Bench of the High Court of Rajasthan dated 19 July 2021 in a writ appeal, by which the direction issued by the Single Judge to the first respondent Bank to release a loan of Rs 3.13 crores under the Emergency Credit Line Guarantee

Scheme (ECLGS) has been stayed. Notice was made returnable on 16 August 2021.

- 2 The proceedings are pending before the High Court. Hence, we are not inclined to entertain the Special Leave Petitions under Article 136 of the Constitution. Mr Chinmoy Pradip Sharma, learned senior counsel has also fairly drawn the attention of the Court to the fact that an application for vacating the stay has also been filed by the petitioner and is pending before the High Court.
- 3 The grievance of the petitioner, however, is that the first respondent which has filed the writ appeal has not taken steps to ensure service on the third, fourth and fifth respondents, as a result of which the writ appeal is not being taken up for hearing, though as a matter of fact all the respondents were duly served. If this is the factual position, it can be drawn to the attention of the High Court by the petitioner so as to facilitate expeditious disposal of the writ appeal or, if that is not possible, the application for vacating the stay. We do not comment on the merits of any of the rival contentions and leave it open to the petitioner to move the High Court for expeditious disposal of the application for stay or, as the case may be, the writ appeal.
- 4 Subject to the aforesaid, the Special Leave Petitions are dismissed.
- 5 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master