

ITEM NO.22 Court 11 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19056/2021

(Arising out of impugned final judgment and order dated 21-10-2021 in WP No. 6764/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

M/S RAJMUDRA REAL ESTATE PVT. LTD.

Petitioner(s)

VERSUS

THE RESIDENTIAL DEPUTY COLLECTOR &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.149168/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.149170/2021-EXEMPTION FROM FILING O.T. )

Date : 26-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Paramjit Singh Patwalia, Sr. Adv.  
Mr. Sandeep Sudhakar Deshmukh, AOR  
Ms. Harshika Verma, Adv.

For Respondent(s)

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

Learned counsel for the petitioner *inter alia* contends that proceedings under Bombay Government Premises (Eviction) Act, 1955 (for short, 'the Act, 1955') were initiated by 4<sup>th</sup> respondent - General Secretary of the Union.

The petitioner purchased the property in question in a court auction conducted by the competent authority under the Recovery of Debts due to Banks and Financial Institutions Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

There was a categorical order passed by this Court that respondent No.4 shall not be permitted to raise any dispute about

the proceedings initiated by the petitioner. Still further, the authority under the Act, 1955 can exercise jurisdiction only if the property in question is admittedly a government property. Since there is a dispute that it is not a government property, the summary jurisdiction under the Act could not be invoked.

Issue notice.

In the meantime, there shall be stay of further proceedings in Regular Civil Appeal No.97 of 2009, pending before the District Judge, Jalgaon, Maharashtra.

(SWETA BALODI)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)