

Court No. - 3

Case :- WRIT - C No. - 30223 of 2023

Petitioner :- Pratima Ojha And Another

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Vikash Chandra Tiwari, Kartikeya Saran, Nitin Sharma, Vaibhav Tripathi

Counsel for Respondent :- A.S.G.I., Arvind Srivastava, Ashish Agrawal, Ashish Mishra, C.S.C., Satya Dheer Singh Jadaun

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Sri Sandeep Arora, learned counsel for the Bank states that in view of the judgment of the Hon'ble Apex Court in the case of **CELIR LLP VS. Bafna Motors (Mumbai) Pvt. Ltd.** and others decided on 21.09.2023 in Civil Appeal Nos.5542 of 2023, no interference be now made.

Sri Kartikeya Saran, learned counsel for the petitioner confronted by the law as has been laid down in Civil Appeal No.5542 of 2023 prayed that he may be permitted to withdraw this writ petition and he may be given the liberty to approach such forum under The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as may be available to him.

Learned counsel for the Bank, Sri Sandeep Arora and Sri Arvind Srivastava, learned counsel for the respondent no.6 (the auction purchaser) have no objection to the prayer made by the petitioner.

We do find substance in the submission made by learned counsel for the Bank. The petitioner does have an efficacious alternative remedy.

Under such circumstances, the writ petition is **dismissed as withdrawn** and a liberty is granted to the petitioner to avail such remedy as may be available to him under the The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Order Date :- 17.10.2023

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