

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12107 OF 2013**

Shri Ramesh Uttamchand Bhatiya & Ors. .. Petitioners
Vs.
State of Maharashtra & Ors. .. Respondents

Mr.Sanjay Ghaisas i/b Mr.Ashok Madhukar Joshi for petitioners.
Mr.V.P. Malvankar, AGP 'A' Panel for respondent nos.1 and 2.
Mr.Nikhil Rajani i/b V. Deshpande for respondent no.3.

**CORAM : A.S. OKA,
K.R. SHRIRAM, JJ.
DATED : 25TH AUGUST, 2015**

P.C.

1 It is not in dispute that the petitioners have availed of the statutory remedy by filing an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002. Though the said proceedings has been dismissed for non-prosecution, an application for restoration is pending.

2 Hence, we decline to entertain this petition under Article 226 of the Constitution of India. If the appeal/application is restored, all contentions on merits which are raised in this petition can be agitated by the petitioners before the concerned authority.

3 Subject to what is stated above, the writ petition is rejected.

(K.R. SHRIRAM, J.)

(A. S. OKA, J.)