

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11424 of 2016

Parvez Sheshadri ..Petitioner.
Vs
DRT and Anr ..Respondents.

Mr. Partha Sarathy Sarkar for the Petitioner.
Mr. Harshad Bhadbhade for Respondent No.2.

CORAM : ANOOP V. MOHTA AND
A.S.GADKARI, JJ.
DATE : 24 NOVEMBER, 2016

ORDER :

- 1) The respondent-bank has raised a preliminary objection to the maintainability of the present writ petition as challenge is to the order passed by the Presiding Officer, Debt Recovery Tribunal-III, Mumbai dated 4th July, 2016, whereby S.A. No. 84/2008) filed by the petitioner was dismissed as infructuous so also Application Exh.35 stood rejected.
- 2) The provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act), specifically Section 17 read with Section 18 and other provisions reflect very clearly that against such order statutory remedy is available. In view of this, by keeping all the points open, we are not inclined to enter the present writ petition. The petition is dismissed accordingly for want of alternative remedy.
- 3) The issue with regard to delay, if any, the petitioner to take out an appropriate application and the Authority/Appellate Authority to consider

the same in accordance with law as we are dismissing the present writ petition at the stage of admission itself, for want of alternative remedy of statutory appeal in question. The writ petition is dismissed for want of alternative remedy. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA,J)