

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3812 OF 2016

Excell Krushi Prakriya Private	}	
Ltd. and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. Murlidhar Patil for the petitioners.

Mr. P. G. Sawant - AGP for respondent
nos. 1 to 3.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- OCTOBER 21, 2016

P.C. :-

1. Mr. Patil appearing for the petitioners states that the petitioners have already availed of an alternate remedy under the SARFAESI Act and as is evident by the annexures to the writ petition, particularly page 190 of the paper book Annexure 'J'. The writ petition can be conveniently disposed of by allowing the petitioners to pursue that application. Bearing in mind the wide powers in the DRT, it can grant all reliefs irrespective of the fact that during the pendency of the application, measures under section 13(4) of the SARFAESI Act were adopted and even an order under section 14(1) of the said Act is passed. The DRT has

ample powers and therefore, without being influenced and prejudiced by these events and developments, if the petitioners make out a case, the DRT can grant final reliefs. While considering that request, the DRT should not be influenced by any of the measures or the order of the Collector and District Magistrate. Keeping open all contentions to be urged before the DRT, the writ petition is disposed of.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)