

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8550 OF 2016

Bharat Damodhar Newasekar .. Petitioner

Versus

The Union of India and others .. Respondents

Shri. Vakil Afzal Husain M., Advocate for Petitioner.

Shri. R. R. Karpe, Advocate for Respondent Nos. 3 and 4.

Shri. Shaikh Mujtaba Gulam Mustafa, Advocate for Respondent Nos. 8 to 11.

Shri. S. B. Pulkundwar, A.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATED : 03rd October, 2018

PER COURT:

. We have heard Mr. Vakil, the learned counsel for the petitioner.

2. Mr. Karpe and Mr. Mustafa, the learned counsel for the respondents raise a preliminary objection that the petitioner has a remedy under section 17 of the Secularization and Reconstruction of Financial Assets

and Enforcement of Securities Interest Act, 2002.

3. The petitioner is assailing the auction conducted under the provisions of the SARFAESI Act. Section 17 of the SARFAESI Act provides for a substantive remedy. All the contentions raised by the petitioner can be raised before the authority under the SARFAESI Act.

4. In light of the above we dispose of the writ petition with liberty to the petitioner to avail the alternate remedy. In that case all contentions of respective parties are kept open. The forum where the petitioner would file the proceeding shall consider the time spent in prosecuting the present writ petition. Writ petition accordingly disposed of with liberty as aforesaid.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 8550.16