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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.32783 OF 2018

Ms.Rupali Shrirang Pawar ... Petitioner
vs.
The State of Maharashtra thru ... Respondent
the Secretary to the Dept. of
Revenue and Forest

Mr.Shailendra S. Kanetkar for the Petitioner.
Ms. Geetanjali Shinde, AGP for the State.
Mr. K.D. Shukla for Respondent no.

**CORAM : A.A.SAYED &
A.K. MENON, JJ.
DATE : 21st NOVEMBER, 2018**

P.C. :

1. The petitioner is a third party who seeks to purchase the secured asset viz. Ganraj Bungalow, Plot No. 225, Sector No. 25, Near Jain Mandir, ESMTDA, Nigadi, Taluka Haveli, District Pune, which is owned by respondent no. 5 Company of which respondent no. 6 Mr Jagdish Shankar Rane is the director. It is case of the petitioner that she has applied for a loan to respondent no. 7-LIC Housing Finance Limited to purchase the secured asset and that the outstanding dues of the respondent no.4 - bank shall be cleared by her.

2. It is an admitted position the respondent no.5 - borrower could not pay the outstanding dues of the respondent no. 4- bank and there is an order passed under section 14 of the SARFEASI Act for taking over possession of the secured asset.

3. Learned counsel for the respondent no. 4 – bank has shown copy of the email whereby proposal of the petitioner to purchase the secured asset has been rejected by the respondent no. 4 – bank though initially the respondent no. 4 – bank had granted NOC for the purchase of the secured asset by the petitioner.

4. The petitioner is a third party and the e-auction of the secured asset is scheduled to be conducted tomorrow i.e. 22nd November, 2018. The petitioner can always bid in the e-auction. Merely because the respondent no. 7 LIC Housing Finance Ltd. had earlier agreed to grant loan in favour of the petitioner (which has not fructified till date) to purchase the secured asset and the respondent no. 4 – bank had earlier issued an NOC, she cannot claim any vested right to purchase the secured asset. The petitioner, being a third party, has no locus and no relief can be granted to her so as to stall the measures adopted by the respondent no. 4- Bank to recover its dues and to auction the secured asset.

5. In the circumstances, there is no merit in the petition. The petition is accordingly dismissed. No costs.

(A.K. MENON,J.)

(A. A. SAYED, J.)