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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4065 OF 2019

1. Mr Sandeep S/o Kacheshwar Ranode,
Age : 29 years, Occu. Agril.,
2. Mr Kacheshwar Rambhau Ranode,
Age : 52 years, Occu. Agril.,
3. Mr Rahul Kacheshwar Ranode,
Age : 26 years, Occu. Agril.,

All are R/o Sanvatsar, Tq. Kopargaon,
Dist. Ahmednagar
..PETITIONERS

VERSUS

1. Bank of Baroda, S.A.R.B.,
Aurangabad
Through its Manager,
Plot No.8, Sector-E, CIDCO N-5,
Town Centre, Aurangabad
2. Bank of Baroda, Branch at Kopargaon,
Through its Manager
Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar
3. The Authorized Officer,
Bank of Baroda, Branch At Aurangabad,
Through Vivek Kanadkhedkar,
Plot No.8, Sector-E, CIDCO N-5,
Town Centre, Aurangabad ..RESPONDENTS

Mr Avinash A. Phad, Advocate for petitioners

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 27th March, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners.

2. In peculiar circumstances, the petitioners are approaching this Court with a limited prayer. Learned Counsel for the petitioners invited our attention to copy of a notice issued under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002 (for short "SARFAESI Act") as well as copy of proceedings initiated before the Debts Recovery Tribunal at Aurangabad, to submit that the petitioners had availed the remedy of approaching the competent forum.

3. In challenge to the action initiated against the petitioners, an application bearing No.554 of 2019 is submitted before the Tribunal and the petitioners prayed for an interim order, in view of the fact that the petitioners are faced with a notice and thereby apprehend coercive action of possession of the property. A statement is made in the petition that Securitization Application Lodging No.554 of 2019 along with Interlocutory Application No.120 of 2019 is submitted being efficacious remedy, challenging the auction sale notice dated 20th February, 2019. It is further stated that though a request was made to the Tribunal for considering the application giving priority on the backdrop of the fact that the petitioners are facing apprehension of coercive action and the petitioners prayed for the date 28th March, 2019 for considering the application, the Tribunal, by

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expressing its inability, posted the matter on 5th April, 2019 for hearing.

4. Learned Counsel for the petitioners submitted that if the petitioners are not protected by this Court, the attempt and entire exercise of availing the appropriate remedy would be rendered a futile exercise and the petitioners would be put to serious prejudice. Learned Counsel thus prayed for protection till the Tribunal decides the application on the scheduled date i.e. 5th April, 2019.

5. It was also brought to the notice of this Court that as the Tribunal at Aurangabad is not functioning, the parties are required to approach Pune Tribunal and this is also one of the difficulties being faced by the parties seeking the orders on interim application so as to protect the interest of the parties. Considering this very fact of non availability of Tribunal at Aurangabad and additional charge being assigned to Pune Tribunal, this Court passed certain orders in the identical petitions.

6. Considering the aforesaid facts, we are of the opinion that the petitioners can be protected till the Tribunal passes order on the application.

6. Accordingly, the petition is taken up for hearing and disposal at admission stage.

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7. Writ Petition is disposed of with directions to the respondents not to take any coercive steps against the petitioners till 10th April, 2019. We have protected the petitioners till 10th April, 2019 though we were made aware that the Tribunal has scheduled the application for hearing on 5th April, 2019, for the reason that, in the event, on the scheduled date the Tribunal may not be in a position to decide the application and it may require some further period and for that the petitioners are not put to prejudice. We hope and trust that the learned Tribunal, considering our order may pass appropriate orders either on 5th April, 2019 or before 10th April, 2019. We further make it clear that the protection granted is only up-to 10th April, 2019 and on no count it would be extended.

With aforesaid observations/directions, petition is disposed of.

Registry to issue authenticated copy to the parties to act upon.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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