

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

1070 WRIT PETITION NO.6968 OF 2019

SARFARAZ AHMED AYYUB KHAN OMIN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Ms. Kazi Fatema S.
AGP for Respondents/State : Mr. K.N. Lokhande

...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 12.06.2019

PC. :-

In fact against the auction initiated under the SARFAESI Act the petitioner has a remedy before the Debt Recovery Tribunal. The petitioner may avail the said remedy.

2. It is submitted that auction of the flat is to take place today. It is further submitted that the subject matter of the auction is a residential flat. As per the order under Section 14 an amount of more than Rupees Ten Lakhs is due and payable.

3. We are not inclined to stall the auction proceedings. The auction proceedings may proceed, however the possession of the writ flat shall not be disturbed for a period of ten days from today. The petitioner shall deposit an amount of Rupees Two Lakhs with the respondent-bank within ten days. We

have granted protection of ten days considering that it is a case of a residential flat and to give an opportunity to the petitioner to avail the remedy before the Debt Recovery Tribunal. It is made clear that after lapse of ten days the protection granted by this Court shall come to an end.

4. Writ petition is accordingly disposed of. Authenticate copy to the parties.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]