

Sharayu Khot.

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

WRIT PETITION (ST.) NO. 5861 OF 2019

**M/s. Captain Book and Allied Paper ...Petitioner
Products Pvt.Ltd.**

Versus

**The Authorised Officer, ...Respondents
Vidya Sahakari Bank Ltd. & Ors.**

Mr. Narendra V. Sharma, for the Petitioner.

Mr. S.S. Panchpor, for the Respondents No. 1 and 2.

Mr. A.A. Alaspurkar, AGP, for the Respondent No. 3-State.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**

DATE : 4 March 2019

ORDER :

1. We record the statement of the learned Counsel for

the Respondents-Bank that he will file his Vakalatnama during the course of the week.

2. The Petition is filed on the apprehension that physical possession of the asset in question viz. Flat No. 501, admeasuring 92.43 sq.mts., on the 5th Floor in Building No. C named as Panchawati, constructed on land bearing C.T.S. No. 323 to 366 at Chavan Nagar, Dhankawdi, Pune would be taken on 26th February 2019 as per notice dated 2nd February 2019 (Exh.M to the Petition). It is an admitted position that physical possession of the said Flat No. 501 was not taken on 26th February 2019 by the Respondents-Bank. The Petitioner has also impugned the order dated 25th September 2018 rejecting the Interlocutory Application No. 1017 of 2018 in Securitisation Application No. 141 of 2018. Learned Counsel for the Petitioner pointed out that in the impugned order dated 25th September 2018, in paragraph 2, it is recorded that the said Application No. 1017 of 2018 was restricted to Flat No. 9 only.

3. Inasmuch as the Petitioner has alternate remedy before the D.R.T./D.R.A.T., we are not inclined to entertain the Petition.

4. The Petition is accordingly dismissed. The Petitioner would be at liberty to file appropriate proceedings before the D.R.T./D.R.A.T., if so advised.

[RIYAZ I. CHAGLA J.]

[A.A. SAYED, J.]