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

PUBLIC INTEREST LITIGATION NO.130 OF 2013

Shri Sarjerao Yeshwant Bhise & Ors. ... Petitioners
Versus
Maharashtra State Co-Op Bank & Ors. ... Respondents

WITH

PUBLIC INTEREST LITIGATION NO.134 OF 2013

Shri Sandip Dhanpal Rajoba & Ors. ... Petitioners
Versus
Maharashtra State Co-Op Bank & Ors. ... Respondents

Mr. Surel Shah, for Petitioner in PIL No.130 of 2013.
Mr. Amit Sale, for Petitioner in PIL No.134 of 2013.
Mr. Bhushan Walimbe, for Respondent No.1.
Mr. Umesh Mankapure, for Respondent No.2.
Mr. B.V.Samant, AGP for Respondent Nos.3 and 5.
Mr. A.M. Kulkarni, for Respondent No.6.

**CORAM: S.C. DHARMADHIKARI &
R. I. CHAGLA, JJ.**
DATED: 5TH NOVEMBER 2019

PC:-

1. These two Petitions styled as a Public Interest Litigation ("PIL") have been filed questioning the sale of a sugar factory by private treaty.
2. The transaction is between Respondent Nos.1 and 6 for sale of the second Respondent's sugar factory by private treaty. The tender notice dated 17th June, 2013 and the consequent sale thereto has been challenged on several grounds.

3. It is conceded that there was a Public Interest Litigation brought challenging a similar sale. That PIL Petition was placed before a Division Bench of this Court and came to be withdrawn with liberty to avail the alternate remedy. The order to that effect is passed in PIL No.43 of 2010.

4. We are of the opinion that in such matters the PIL is not a remedy for the aggrieved parties. Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act ("SARFAESI Act") is couched in widest terms. It gives liberty to virtually everybody connected with the sugar factory and affected by the sale in question to move the DRT.

5. In this case competent DRT was moved in Securitisation Application No.39 of 2010. That securitisation application has also been disposed of by the Tribunal. The order to that effect was passed on 26th June, 2013. To our mind therefore, these Public Interest Litigations cannot be entertained and the Petitioners therein can move the competent DRT in the event they are aggrieved to by the sale or any steps consequent thereto.

6. The Public Interest Litigations are accordingly disposed of.

(R. I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)