

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

WRIT PETITION (ST.) NO.31569 OF 2019

M/s Elkon Pvt. Ltd. and ors. ... Petitioners
V/s.

The Branch Manager,
The Bank of India and ors. ... Respondents

Mr.Sachin Dhakephalkar i/by Ms.S.A.Vast, Advocate for
the Petitioner.

Mr.Anant B. Shinde, Advocate for Respondent Nos.1 and
2.

**CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 20, 2019.**

P.C.:-

Not on board. Taken on board.

1. Heard Mr.Sachin Dhakephalkar, learned counsel for
the petitioners and Mr.A.B.Shinde, learned counsel for
respondent Nos.1 and 2.

2. This petition has been filed for quashing of order
dated 28th August, 2019 passed by the Chief Metropolitan
Magistrate, Esplanade, Mumbai in Securitization

Application No.163/SA/2019 as well as notice dated 25th November, 2019 issued by respondent No.3.

3. Learned counsel for respondent Nos.1 and 2 submits that possession of the mortgaged property of the petitioners have been taken over by respondent Nos.1 and 2 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

4. That being the position, petitioners may avail the remedy under the aforesaid Act.

5. Writ Petition is disposed of.

(UJJAL BHUYAN, J.)

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