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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 4035 OF 2018**

Bio Ethanol Agro Industries Limited ... Petitioner
V/s.
Edelweiss Asset Reconstruction Company ... Respondents
Ltd. & Ors.

Mr. Prashant Malik for the petitioner.
Mr. A.R. Gole for the respondents.

**CORAM: A.A.SAYED &
R. I. CHAGLA, JJ.
DATE: 10TH APRIL, 2019.**

PC:-

1. The Petitioner who is a borrower has filed this Petition challenging the interlocutory order dated 16.10.2018 passed by the Additional Chief Metropolitan Magistrate, rejecting the Application of the Petitioner for intervention and for inspection of documents. The Application of the Petitioner for intervention and inspection of documents was filed in the Application filed by the Respondent no. 1 seeking an order for taking physical possession of the secured assets under section 14 of SARFAESI Act.

2. It is well settled that a borrower does not have any right of audience before the Magistrate in the Application u/s. 14 of SARFAESI Act filed by a Bank/Financial institution. In the

circumstances, we are not inclined to entertain the Writ Petition. The Writ Petition is accordingly dismissed.

3. We however make it clear that in the event final order is passed by the Additional Chief Metropolitan Magistrate u/s. 14 of SARFAESI Act, the Petitioner would be at liberty to challenge that order and seek appropriate reliefs including the reliefs sought in the Application for intervention before Debt Recovery Tribunal.

(R I. CHAGLA, J.)

(A.A.SAYED, J.)