

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**NAGPUR BENCH : NAGPUR****Writ Petition No. 2026 of 2019****[The Authorized Officer, Pusad Urban Bank Co-operative Ltd., Wani Branch, Yavatmal Vs. The Union of India, through its Secretary, Min.of Finance & Co. & others]**

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**
Court's or Judge's orders

Mr. R. K. Thakkar, Adv., for the petitioner.

Mr. U. Aurangabadkar, Asstt. Solicitor General of India for
respondent nos. 1 and 2.

Mr. R. H. Agrawal, Adv., for respondent nos. 3 to 6.

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**CORAM : R. K. DESHPANDE AND
S. M. MODAK, JJ.**

DATE : 11th March, 2019

Hearing of the proceedings before the Debts Recovery Tribunal is to be conducted on 26th April, 2019 as per the order impugned. The prima facie opinion expressed in the order regarding inapplicability of the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI Act] cannot come in the way of the parties while finally adjudicating the issue. We find that these are the prima facie observations and it is open for

the Debts Recovery Tribunal to take a contrary view upon being satisfied in the matter.

Writ Petition is dismissed. All questions are kept open.

Judge

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