

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1013 WRIT PETITION NO. 13689 OF 2021
SIDDHESHWAR SANJAY AWACHAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. Rahul M. Jade
AGP for Respondents: Mr. S.P. Tiwari

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 8th DECEMBER, 2021

PER COURT :-

1. The learned counsel for the petitioner submits that the petitioner has challenged the action under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act"). The learned counsel submits that after filing of the present writ petition, there were talks between the petitioner and the Bank. The petitioner has also deposited an amount of Rs. 3,00,000/- (Rupees Three lakhs), after filing of the petition.

2. The learned counsel submits that now fresh notice has been issued by the Bank for taking over possession of the securities. In that event, if Section 13(4) of the SARFAESI Act is resorted to and order under Section 14 of SARFAESI Act, is challenged, the petitioner can assail it before the Debt Recovery Tribunal. In that event, all the contentions of the petitioner are kept open. The petitioner shall bring to the notice of DRT, the amount deposited subsequently and stand of the petitioner.

4. Writ petition is disposed of. No costs. The parties to act upon the authenticated copy of this order.

(S.G. DIGE)
JUDGE

mtk

(S.V. GANGAPURWALA)
JUDGE