

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1122 Writ Petition No.13953 Of 2021

M/S Twentyone Sugars Ltd
Trough Rushikesh More
Versus
The Osmanabad District Central Co-operative Bank Ltd

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Mr. V.D. Hon, Senior Advocate i/by. Mr. P. P. More,
Advocate for the Petitioner
Mr. V.D. Sapkal, Senior Advocate, i/by. Mr. S.R. Sapkal,
Advocate for Respondent No.1
Mr. R.S. Deshmukh, Senior Advocate i/by. Mr. A.R. Devkate,
Advocate for Respondent No.2
Mr. D.R. Kale, G.P. for Respondents / State

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

DATE : 21-12-2021

PER COURT :

1. We have heard Mr. Hon, learned Senior Advocate for the petitioner.

2. Mr. Sapkal, learned Senior Advocate for respondent no.1 and Mr. Deshmukh, learned Senior Advocate for respondent no.2 raise a preliminary objection that the petitioner has a remedy before Debt Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (in short, 'SARFAESI Act'). To buttress their submissions,

they relied upon the judgment of the Division Bench of this Court dated 05-11-2020 in Writ Petition (L) No.3880 of 2020 delivered at the Principal Seat.

3. We may not go into the merits of the contentions and the Judgment relied by the learned Senior Advocates for the respondents. As objection has been raised by the respondents, Mr. Hon, learned Senior Advocate for the petitioner submits that the petitioner may approach the Debt Recovery Tribunal, however, protection may be granted.

4. In light of that, the writ petition is disposed of with liberty to the petitioner to avail the remedy under the SARFAESI Act. In that event, all the contentions of the respective parties are kept open.

5. For a period of seven (07) days, the respondents may not proceed ahead with the tender process from the stage existing today onwards.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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