

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.9305 OF 2021**

Thwisha Steel Pvt. Ltd. and anr. ..Petitioners  
vs.  
Shriram City Union Finance Ltd. and anr. ..Respondents  
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Mr. Manoj Harit i/b. Manoj Harit & Co. for petitioners.

Mr. Shashank Fadia a/w Neelmani Taparia for respondent  
no. 1.  
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**CORAM : DIPANKAR DATTA, CJ &  
M. S. KARNIK, J.**

**DATE: DECEMBER 21, 2021**

**P.C. :**

1. An order dated November 3, 2021 passed by the Debts Recovery Tribunal-III, Mumbai on Securitization Application No. 28 of 2020 is under challenge in this writ petition.

2. Having heard Mr. Manoj Harit, learned advocate for the petitioners, we are not inclined to entertain this writ petition in view of availability of an alternative remedy under section 18 of the SARFAESI Act, 2002. None of the exceptions are satisfied based whereon a writ petition could be entertained despite an alternative remedy being available. The only stumbling block for the petitioners is that there is a vacancy in the office of the Chairman, Debts Recovery Appellate

Tribunal, Mumbai. Since the petitioners are debtors and if at all they are aggrieved by the order dated November 3, 2021, referred to above, they are at liberty to reap the benefit of our order dated December 2, 2021 passed in Writ Petition (L) No.24293 of 2021 and Writ Petition (L) No.24630 of 2021 which is intended to extend protection to aggrieved persons like the petitioners.

3. Leaving all questions open, this writ petition stands dismissed. No costs.

**(M. S. KARNIK, J.)**

**(CHIEF JUSTICE)**

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signed by  
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MAKARAND  
BHOGALE  
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