

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1041/2021

Shankar Baliram Chavan

...Petitioner

Versus

The Authorized Officer (under SARFAESI Act) and ors. ...Respondents

Shri S.V. Bhutada, Advocate for the Petitioner

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 22 FEBRUARY 2021

P.C.:

Not on Board. Taken on Production Board.

2. The Petitioner is challenging the Public Auction Notice dated 14 January 2021 for which sale is scheduled to be held today.
3. The learned Counsel for the Petitioner states that an auction be stayed or suitable direction be given not to confirm the sale to enable the Petitioner to take necessary steps.
4. Impugned notice was issued on 14 January 2021. The Petition is filed on 22 February 2021, the day when the auction is scheduled. In spite of available statutory remedy of approaching Debt Recovery Tribunal, the Petitioner has moved this Petition last minute. Since, the remedy is available, it is not possible to entertain the Writ

Petition. The relief which the Petitioner is seeking can very well be sought from the Debt Recovery Tribunal.

5. As regards the short time available, it is the Petitioner who is to blame moving the Petition last minute that to in this Court instead of Debt Recovery Tribunal. Even otherwise, the Act lays down methodology for the confirmation of sale which generally takes some time. Since the Remedy of Debt Recovery Tribunal is available, keeping all contention of the Petitioner open, the Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]