

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

WRIT PETITION NO.1432/2021

Mr. Amit S/o Haribhau Kende and others

Vs.

M/s Aspire Home Finance Corporation Ltd., through Mr. Sunil S. Vishwakarma

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Rajeev K. Deshpande, Advocate for petitioners.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 22/03/2021

Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

We have heard this matter for some time. We find that the impugned order is an order which is passed under Section 14 by the Chief Judicial Magistrate and whatever be the ground of challenge to such an order, the challenge cannot be heard by this Court unless and until, the petitioners have challenged the measure initiated by the respondent under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "Securitisation Act"). Any action or measure taken or

proposed to be taken under Section 13(4) of the Securitisation Act can be challenged by filing an application under section 17 of the same Act before the Debts Recovery Tribunal. The petitioners, in the present case, have not done it so far. Then, there is also an embargo upon the power of any Court or authority to entertain the grievance raised to question the order passed under Section 14 of the Securitisation Act. This is to be found in Section 14(3) of the Securitisation Act. Therefore, we are not inclined to entertain this petition. Petition stands dismissed, however, we grant liberty to the petitioners to take recourse to such remedy as is available to them in law while keeping all questions open.

JUDGE

JUDGE