

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

WRIT PETITION NO.966 OF 2022

SHANTIES HEALTH AND FITNESS CLUB (LLP) THR ITS PARTNER
RAKESH CHAMPALALJI SONI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sanjeev B. Deshpande, Advocate for the
Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Ms. Neha B. Kamble h/f Mr. S. v. Adwant, Advocate
for Respondent Nos.3 and 4.

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

DATED : 28th JANUARY, 2022.

PER COURT:-

1. We have heard Mr. Deshpande, learned counsel for the petitioner and Ms. Kamble, learned counsel for the respondent-Bank.

2. The order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is assailed.

3. The petitioner has remedy before the Debt Recovery Tribunal.

4. In view of that, we are not inclined to entertain the writ petition. Writ Petition is

disposed of with liberty to the petitioner to avail the alternate remedy as is permissible under law. In that event, all contentions of all the parties are kept open.

5. Till 01.02.2022, the respondents may not proceed with taking over the physical possession of the secured assets. However, the said protection would not survive after 01.02.2022.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE