

gUrmila Ingale

URMILA
PRAMOD
INGALE
Digitally
Signed by
URMILA
PRAMOD
INGALE
Date:
2022.02.25
19:58:20
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1314 OF 2022

Mr. Babaji B. Chavan ... Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. Shivshankar D. Patil, for Petitioner.
Mrs. R. A. Salunkhe, AGP for Respondent - State.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : FEBRUARY 24, 2022

P.C. :

1. The petitioner has instituted proceeding before the Debts Recovery Tribunal- III, Mumbai (hereafter "DRT-III", for short), by filing Securitisation Application No. 557 of 2019, wherein an order dated May 8, 2020 passed under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short), is under challenge. Such proceeding is pending.

2. By instituting this writ petition on January 3, 2022, the petitioner challenges the notice dated January 17, 2022 issued in pursuance of the order dated May 8, 2020 under section 14 of the SARFAESI Act.

3. Since the proceeding is pending before the DRT-III, we are not inclined to interfere.

4. Learned advocate for the petitioner submits that the office of the Presiding Officer, DRT-III is vacant. This submission is partially true. The office was vacant, but the Presiding Officer, DRT-I has been entrusted with the additional charge of DRT-III by order dated February 2, 2022 passed by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services.

5. That apart, by a subsequent order dated February 16, 2022 passed by Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Secretariat of the Appointments Committee of the Cabinet, a Presiding Officer for DRT-III has duly been appointed.

6. In such view of the matter, the petitioner is at liberty to seek relief before the appropriate DRT.

7. The writ petition is disposed of. No costs. All contentions on merits are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)