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

WRIT PETITION NO. 1843 OF 2022

Mr. G. Sesha Narayanan .. Petitioner
Vs.
Tata Capital Financial Services Ltd. .. Respondent

Mr. Ashay H. Gajbhiye, for the Petitioner.
Mr. Omar Khaiyam Shaikh a/w Mr. Vikas Salvi i/b Vikas Salvi
& Associates, for Respondent.

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

DATE : FEBRUARY 22, 2022

P.C. :

1. This writ petition was presented before this Court on January 31, 2022 when the office of the Presiding Officer, Debts Recovery Tribunal–III, Mumbai (hereafter "the DRT-III", for short) was vacant. The challenge in the writ petition is to the actions initiated by the secured creditor under Chapter III of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short). According to the petitioner, due to the aforesaid vacancy, he has no efficacious remedy to pursue.

2. By notification dated February 2, 2022 issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services, the Presiding Officer, Debts Recovery Tribunal-I, Mumbai has been entrusted with the additional charge of DRT-III.

3. In such view of the matter, we are not inclined to entertain this writ petition. It shall be open to the petitioner to pursue the application filed by him under section 17 of the SARFAESI Act before the jurisdictional DRT.

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

(M. S. KARNIK, J.)

(CHIEF JUSTICE)