

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

WRIT PETITION NO. 9528 OF 2021

Suhas Abhimanyu Shinde and Anr.	}	
	}	
versus		
The Authorised Officer, and Ors.	}	Petitioners
	}	
		Respondents

Mr. Tushad Kakalia i/b. Mr. Uttam S. Rane for
the petitioners.

Mr. Vijay Patil i/b. Mr. Kalpesh U. Patil for
respondent nos. 1 and 2.

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

DATE: FEBRUARY 22, 2022

P.C.:

1. Not on Board; upon mentioning, taken on Board.
2. This writ petition is directed against an order dated 24th December 2021 passed by the Debts Recovery Tribunal, Pune (hereafter "the DRT(P)", for short) below Interim Application No. 828 of 2021 in Securitisation Application No. 224 of 2021, being an application under section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short).
3. The petitioners claim to be tenants of the borrower, the respondent no. 3. By the order impugned, the DRT(P) fixed

24th January 2022 for hearing final arguments; however, it directed the police to grant protection to the authorized officer of the secured creditor for enabling him to remove all movable assets not charged to the secured creditor from the secured asset at the risk and responsibility of the borrower and the petitioners.

4. A coordinate Bench, while deferring consideration of the writ petition till 4th January 2022, directed *status-quo* to be maintained in respect of the movables belonging to the petitioners and lying in the secured asset. Such order has been extended from time to time and is in force till today. The writ petition was mentioned in the morning and accordingly, has been placed on Production Board to consider the prayer for extension of interim order made by Mr. Kakalia, learned advocate for the petitioners.

5. Since the application of the petitioners under section 17 of the SARFAESI Act is pending before the DRT(P), we are not inclined to keep this writ petition pending. Even otherwise, the order dated 24th December 2021 passed by the DRT(P) is amenable to challenge in an appeal before the Debts Recovery Appellate Tribunal, Mumbai (hereafter "the DRAT(M)", for short). By a notification dated 16th February 2022, the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Secretariat of the Appointments Committee of the Cabinet has appointed Justice Ashok Menon, former Judge of the Kerala High Court, as the Chairperson of the DRAT(M). It shall be open to the petitioners to carry an appeal from the order dated 24th December 2021 and seek appropriate orders therein, if so

advised. The interim order, which has been passed by this Court, shall continue for a further period of a fortnight from date the Chairperson of the DRAT(M) assumes charge of his office or until further orders are passed by such Chairperson.

6. Leaving all contentions open, the writ petition stands disposed of. There shall be no order as to costs.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.02.23
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)