

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****NAGPUR BENCH : NAGPUR****WRIT PETITION NO. 813 OF 2022**

Shri Shrikant S/o Dattatraya Deshpande and -- Petitioner/s  
another

Vs.

Union of India and others -- Respondent/s

Mr. N. B. Jawde h/f. Mr. A.P. Deshmukh, Advocate for Petitioners.  
Mr. S. A. Chaudhari, Advocate for Respondent No.1.  
Mr. M. Y. Wadodkar, Advocate for Respondent No.2.

**CORAM : NITIN JAMDAR &  
ANIL L. PANSARE, JJ.**

**DATE : 15 FEBRUARY 2022**

**P. C. :**

Heard the learned counsel for the parties.

2. The Petitioners have challenged the auction notice in respect of proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. The learned counsel for the Respondents submits that the writ petition is filed on the premise that Debt Recovery Tribunal is not functioning, however, the Debt Recovery Tribunal has become functional. This being the position it is not necessary for us to entertain the Writ Petition.

4. As regards the auction stated to be scheduled today, the Petitioners will have an opportunity to agitate their defence before the Debt Recovery Tribunal under the scheme of the Act of 2002 and Rules framed thereunder, even if auction is held today, ample time is available before it is confirmed and sale certificate is issued.

5. The Writ Petition is disposed of as above.

[ ANIL L. PANSARE, J. ]

[ NITIN JAMDAR, J. ]