

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

WRIT PETITION NO : 4009/2021

M/s Vijay Pulses

Through its Partner :Vinaykumar Agrawal

..Petitioner

versus

1) The Akola Urban Cooperative Bank Ltd

Th: Its Chairman and others

..Respondents

.....
Mr. Suyash Agrawal, Adv. i/b Mr.Dr.Renuka Sirpurkar, Advocate for
petitioner

Mr Ved Deshpande, Advocate for Respondents 1 and 2

Mr. R. Jain, Advocate for Respondent 4

.....

CORAM: ROHIT B.DEO &
ANIL L.PANSARE, JJ.

DATED : 29th August, 2022.

P.C. :

Mr.Suyash Agrawal, learned Advocate h/for Dr.Renuka Sirpurkar, seeks adjournment on the ground that Mrs. Sirpurkar is not available in the Court.

2. We have noticed that the a notice u/s 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Act of 2002') has been issued to the petitioner on 30.08.2021 by the Respondent No.2-Bank. Admittedly, the remedy under the Act of 2002 lies before the Debts Recovery Tribunal. Learned Advocate for the petitioner submits that at the time when the petition was filed, the post of learned Presiding Officer of the Debts Recovery Tribunal

was vacant. The DRT is now functional.

3. We accordingly dismiss this petition by granting liberty to the petitioner to approach the appropriate forum. All contentions raised in the petition are kept open.

4. The interim relief granted vide order dated 29th October, 2021 shall continue to operate till 12th September, 2022.

[ANIL L.PANSARE, J.]

[ROHIT B.DE0, J.]

sahare