

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1533 OF 2023

Vinay Gendmal Bhatiya and another .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Arvind S. Deshmukh, Advocate for the Petitioners.
Shri R. R. Bangar, Advocate for the Respondent No. 1.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 21ST MARCH, 2023.

FINAL ORDER (*Per S. G. Chapalgaonkar*) :-

. The petitioner has approached this Court with following prayers :

C) That the order dated 13.12.2022 passed by the Hon'ble Presiding Officer of Debt Recovery Tribunal Aurangabad in Appeal No. 6 of 2006 may kindly be quashed and set aside.

D) Pending hearing and final disposal of this writ petition the execution and operation of order dated 13.12.2022 passed by the Hon'ble Presiding Officer of Debt Recovery Tribunal Aurangabad in Appeal No. 6 of 2006 and further

E) Pending hearing and final disposal of this writ petition the saving bonds issued by the State Bank of India Parbhani Branch may kindly be released, which are being withheld by the respondent bank illegally.

F) That, the saving bonds issued by the State Bank of India Parbhani Branch may kindly be released which are

being withheld by the respondent bank illegally.

G) Pending hearing and final disposal of this writ petition the further proceedings in e Special Regular Darkhast No. 14 /2017 pending before the Court Civil Judge S. D. Parbhani may kindly be stayed.

2. The substantive prayer of the petitioner is the order passed by the Debt Recovery Tribunal Aurangabad in Appeal No. 06 of 2006 be quashed and set aside and consequential relief is claimed to stay the said order.

3. The contention of Mr. Deshmukh, learned counsel appearing for the petitioner that in various proceedings initiated by the respondent No. 3 for the same cause, the petitioner is sought to penalized time and again. So as to substantiate his contention, he has claimed that the bonds which were available with the respondent/State Bank of India, Parbhani Branch were withheld and not released. According to him execution proceedings are initiated, in which similar relief is claimed against the petitioner of recovery of amount.

4. We appreciate aforesaid submissions.

5. What can be noticed that the petitioner had approached this Court in Second Appeal No. 384 of 2019, wherein he has suffered order of dismissal, which was subject matter of challenge before the Apex Court and the Apex Court has upheld order of this Court passed on 09th August, 2021.

6. Apart from above, as regards the order of Debt Recovery Tribunal, Aurangabad which is questioned in the present petition is concerned, the petitioner has an alternate remedy available of filing an appeal before the Debt Recovery Appellate Tribunal, which in our opinion can redress the grievance of the petitioner.

7. In this view of the matter, no case for interference is made out in the writ jurisdiction. Petition is dismissed.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23