

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 358 OF 2022
WITH
INTERIM APPLICATION NO. 597 OF 2022
IN
WRIT PETITION NO. 358 OF 2022

Shri.Anil Kaljerao Babar

... Petitioner

vs.

Sangli District Central Co-op. Bank
Ltd. & Ors.

... Respondents

.....

Mr.Atul Damle, Senior Advocate with Mr.Amit Sale for the
Petitioner.

Ms.Rui Danawala i/b. Mr.Umesh Mankapure for Respondent No.1.

Mr. Sarthak Diwan i/b. Mr. Ashutosh M. Kulkarni for Respondent
No.3.

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CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 3 FEBRUARY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. This petition is filed by the member of Respondent No.5 – Yashwant Sahakari Sakhar Karkhana Ltd. who is a borrower of Respondent No.1- Sangli District Central Co-op. Bank Ltd. The Petitioner has challenged the order passed by the Debt Recovery

Tribunal, Pune dated 20 December 2021 in Securitization Application No. 127 of 2015.

3. The Petitioner has filed this petition directly even though the impugned order is appealable before the Debt Recovery Appellate Tribunal (DRAT) on the ground that the post of Chairman and Member of the DRAT was vacant at the time of filing of the petition and there was no Bench available when the order is impugned.

4. It is an admitted position that the DRAT is now functional. Since there is statutory appeal in respect of the impugned order and it is for the DRAT to decide as regards the merits and maintainability of the appeal, it is not necessary for us to proceed further in a writ jurisdiction. Keeping all contentions of the parties kept open, we dispose of the writ petition.

5. The learned Counsel for the Petitioner sought to contend that there are certain subsequent developments which would require protective orders. It is open to the Petitioner to make such application to the DRAT and it is for the DRAT to consider the same on its own merits.

6. In case the issue of delay arises, we have no doubt that the DRAT will keep in mind that the writ petition was pending in this Court in above circumstances.

7. The writ petition and the interim application are accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.