

JPP

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

WRIT PETITION NO. 417 OF 2023

M/s. Kultronix ESD Technologies Pvt. Ltd.
and Ors.

... Petitioners

V/s.

Ld. District Collector @ District Magistrate
of Pune and Ors.

... Respondents

Mr. Manoj A. Patil for the Petitioners

Mr. Sanjay Anbhawane for Respondent No.5

Mr. Chetan Patil for Respondent No.6

Ms. Shruti D. Vyas, 'B' Panel Counsel for the Respondents 1 to 4

***CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.***

DATE : 11 JANUARY 2023

P.C. :-

In spite of the settled position of law that the remedy to challenge the action of the secured creditor arising from the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, which is a Complete code in itself, is to approach the Debt Recovery Tribunal, still writ jurisdiction of this Court is being invoked, disregarding the law laid down by the Hon'ble Supreme Court in the case of *United*

*Bank of India v/s. Satyawati Tandon and Ors.*¹. The Petitioners are already in the Debt Recovery Tribunal. An Interim order has been passed by the Debt Recovery Tribunal, Pune on 15 June 2022. The Petitioner has also filed an appeal against the said order.

2. In the light thereof, we decline to exercise the writ jurisdiction.

3. Keeping all the contentions of the parties open, the Writ Petition is disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date:
2023.01.17
14:21:02 +0530

1 AIR 2020 SC 3413