

SA Pathan

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

WRIT PETITION NO. 2872 OF 2023

Vijay Arjun Patil

....Petitioner

V/s.

Bank of Baroda & Ors.

....Respondents

Mr. Anilkumar K. Patil for the Petitioner.

Mrs. Shruti D. Vyas, 'B' Panel Counsel for Respondents.

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

DATE : 8 MARCH 2023

P.C. :-

Heard learned Counsel for the parties.

2. The Petitioner has challenged the order dated 9 November 2022 passed by the District Collector, Nashik under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short 'SARFAESI Act'). The Bank had taken action against the Petitioner and issued notice dated 30 January 2019 under Section 13(2) r/w. 13(13) of the SARFAESI Act. It is settled law that against an

action under Section 14 of the SARFAESI Act, the remedy lies to the Debt Recovery Appellate Tribunal. In spite of the fact that the order is passed under Section 14 of the SARFAESI Act on 6 December 2019, the Writ Petition is moved on 23 February 2023, citing urgency that the auction is scheduled tomorrow.

3. We are informed that the Petitioner has already filed an Application before the DRT. In light of this, we are not inclined to interfere in the Writ Jurisdiction. It is open to the Petitioner to make a request to the DRT to take up the Application at an early date. We grant liberty to the Petitioner to make this request without waiting for a copy of this order.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)