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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3469 OF 2004

M/s.Banchode & Sons	...Petitioners
V/s.	
The Kolhapur Urban Co-op. Bank Ltd. & Anr.	...Respondents

Mr.S.V. Sadavarte for the Petitioners.

Mr.Deepak K. Shukla for the Respondent No.2.

CORAM : G.S. KULKARNI &
RAJESH .S. PATIL, JJ.
DATE : 9TH JUNE, 2023.

P.C. :-

1. This Petition is filed praying for the following substantive reliefs, which read as under :-

“(a). Rule be issued.

(b) By issuing an appropriate writ, order or direction it may be held that the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is violative of Article 14 of the Constitution of India being unjust, unfair and arbitrary and hence *ultra-vires* the constitution.

(c) By issuing an appropriate writ, order or direction the Respondent No.1 herein be restrained from acting upon the notice dated 26.2.2004 and revoke the said notice dated 26.2.2004.”

2. Our attention is invited to the decision of the Supreme

Court in the case of ***Mardia Chemicals Ltd. etc. vs. Union of India & Ors. etc. 2004 (4) Bom.C.R. (SC) 530*** whereby the Supreme Court has upheld the validity of Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Petition is thus rendered infructuous in view of the said pronouncement of the Supreme Court.

3. The Writ Petition is accordingly disposed of. No costs.

(RAJESH S. PATIL, J.)

(G.S. KULKARNI, J.)