

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

WRIT PETITION NO. 11749 OF 2022

M/s. Baba Containers Manufacturers ... Petitioner

vs.

State Bank of India & Ors. ... Respondents

.....

Mr. Bernardo Reis with Mr. Pavan S. Patil for the Petitioner.

Mr. Vivek S. Sawant for Respondent No.1.

Mr. Bhalchandra Palav with Mr. Aniket Dighe i/b. Bhal & Co. for
Respondent No.4.

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

DATE : 17 JANUARY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. Two reliefs are prayed for by the Petitioner. First, to direct the enforcement of One Time Settlement scheme. Second, challenge to the action taken by the secured creditor under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. If One Time Settlement is being arrived at between the Petitioner, borrower and the concerned financial institution outside the Court, then the writ petition can be withdrawn, but that is not

the position. The Petitioner wants this Court to oversee the process of One Time Settlement. The Hon'ble Supreme Court in the case of *Bijnor Urban Cooperative Bank Limited, Bijnor and Ors. vs. Meenal Agarwal and Ors.*¹ has laid down that the One Time Settlement with the Bank cannot be demanded as a right to enforce it by way of a writ.

4. As regards challenge to the action under the SARFESI Act, legal position is settled that any person aggrieved by the action taken by the secured creditor has a remedy of approaching the Debt Recovery Tribunal. The Hon'ble Supreme Court in the case of *United Bank of India v. Satyawati Tondon & Ors*² has placed its disapproval on record that in spite of the settled position why the writ petition is still being filed and entertained by the High Courts.

5. Since this remedy is open to the Petitioner, without going into merits, the writ petition is rejected. Out of indulgence, we have refrained from imposing costs.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

¹ AIR 2022 SC 56
² AIR 2020 SC 3413