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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1982 OF 2022
WITH
INTERIM APPLICATION NO. 1591 OF 2022
IN
WRIT PETITION NO. 1982 OF 2022

Radha Vivek Sharma ... Petitioner
versus

India Bulls Housing Finance Ltd. & Ors. ... Respondents

.....

Mr. Charanjeet Chanderpal for the Petitioner.

Ms.Sanaea Laskari with Mr. Divyanshu Gupta i/b. Parinam Law
Associates for Respondent Nos. 1 and 2.

Ms. Kalpana Trivedi for Respondent No.5.

.....

CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 25 APRIL 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has questioned the action taken by Respondent Nos. 1 and 2/ Secured Creditors under the provision of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002. According to the Petitioner, there are various grounds on which the action is

bad in law. The learned Counsel submits that an earlier notice was withdrawn and a fresh notice has been issued. The legal position is more than settled that SARFAESI Act of 2002 is a complete code and as regards the challenge to the action taken by the Secured Creditors under the said provision, the remedy is to approach the Debt Recovery Tribunal (DRT) and therefore, the writ jurisdiction is not to be exercised. The learned Counsel also accepts this position and states that the contentions of the Petitioner be kept open so that they can be urged before the DRT.

3. Keeping all contentions of the parties open, in case the Petitioner approaches the DRT, we dispose of the writ petition.
4. In view of disposal of the writ petition, nothing remains in the interim application and the same is accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.