

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4282/2023

(MAHESH UDERNOMAL BHATEJA **VERSUS** UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri J.M. Gandhi and Shri R.K. Thakkar, counsel for the petitioner.
 Shri N.S. Deshpande, Deputy Solicitor General of India for the respondent no.1.
 Ms Ashwini Sakhare, counsel for the respondent no.2.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JULY 11, 2023.

The challenge raised by the petitioner is to the auction initiated by the respondent-Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002').

2. We find that the petitioner has preferred an application under Section 17 of the Act of 2002 seeking to challenge the possession notice dated 14.03.2023. Since the notice of auction has now been issued, the petitioner has approached this Court. We find that since the proceedings are pending before the Debts Recovery Tribunal, Nagpur the petitioner can raise all challenges to the steps taken by the respondent-Bank under Section 17 of the said Act. Since such proceedings have already been initiated, we are not inclined to interfere in writ jurisdiction.

3. Hence, keeping all the points open as raised in the writ petition for being raised before the Debt Recovery Tribunal, Nagpur, the writ petition is not entertained. The same stands dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
 by ROHIT DATTATRAYA
 APTE
 Signing Date: 11.07.2023 17:37