



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

WRIT PETITION NO. 6221/2023

(M/S DEEPAK ELECTRICAL, NAGPUR & OTHERS **VERSUS** UNION OF INDIA & ANOTHER)

WITH

WRIT PETITION NO. 6223/2023

(JAWAHAR SUKHDAYAL KHURANA & OTHERS **VERSUS** UNION OF INDIA & ANOTHER)

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

Court's or Judge's order

Shri S.N. Fuladi with Shri U.N. Fuladi, counsel for the petitioners.
Shri D.V. Chauhan with Shri N.L. Jaiswal, counsel for the respondent no.2.

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

DATE : SEPTEMBER 15, 2023.

Heard the learned counsel and perused the documents on record.

2. The petitioners seek a direction to be issued to the respondent no.2-Bank not to implement the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002'). This is on the premise that the learned Presiding Officer, Debts Recovery Tribunal at Nagpur is on leave and the charge of the Tribunal is presently with the learned Presiding Officer at Aurangabad.
3. We are not inclined to entertain the writ petition for two reasons. Firstly, the petitioners have not yet filed any proceedings under Section 17 of the Act of 2002 to challenge the order dated 18.08.2023. The petitioners have admittedly received copy of the order dated 18.08.2023 alongwith communication dated 29.08.2023 issued by the Bank to them. According to the learned counsel for the petitioners the certified copy of the said order is yet to be received and on the same being received the securitization application would be filed. On making a query as to whether the certified copy has been applied for, it is stated in the negative. It is thus clear that till date no steps have been taken by the petitioners to challenge the order dated 18.08.2023 despite having knowledge of the same. Secondly, additional charge of the Tribunal is available with the learned Presiding Officer at Aurangabad. The learned Presiding Officer is

entertaining the proceedings through virtual mode and hence this did not preclude the petitioners from invoking the jurisdiction of the Tribunal.

4. For aforesaid reasons, we are not inclined to entertain the writ petition. The same is accordingly dismissed. All points raised are kept open.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE