

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 15199 OF 2023**

Shri Ganesh B. Gavde & Ors

..Petitioners

Versus

State of Maharashtra & Ors

..Respondent

ANJALI
TUSHAR
ASWALE

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Mr. Dayanand Awari, Advocates for the Petitioners.***Mr. A. I. Patel, Addl. G. P., Ms. M. S. Bane, AGP, for
the State/Respondent No. 1.***

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : JANUARY 3, 2024

P.C.

The above Writ Petition is filed seeking a direction that the 2nd Respondent Bank (Bank of Baroda) be prohibited to exercise their right for enforcement of security interest conferred by Chapter-III of the SARFAESI Act, 2002 because the security interest in relation to the said property is not registered as required under Section 26-D of the said Act.

2 When we pointed out to the learned advocate appearing on behalf of the Petitioners that the Petitioners have an equally efficacious alternate remedy under Section 17 of the

SARFAESI Act, he sought leave to withdraw the above Petition with liberty to approach the DRT under Section 17 of the SARFAESI Act. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed.

3 We make it clear that we have not opined on the merits of the matter one way or the other and which shall be decided by the DRT as and when any application under Section 17 of the SARFAESI Act is filed by the Petitioners.

4 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]