

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2024.06.27
19:11:56
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 290 OF 2024

Yadav Consultancy Services Pvt. Ltd.
through Prakash Waman Yadav ... Petitioner

Versus

Bank of India and another ... Respondents

.....

Mr. Prakash Yadav, Petitioner in-person present.
Mr. Prashant Shinde instructed by Anand Shinde & Com. for the
Respondent No.1 - BOI.

.....

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATED : 27 JUNE 2024

P.C. :

1. We have heard the Petitioner in-person as well as the learned Counsel appearing for Respondent No.1.

2. The challenge raised in this Writ Petition is to the order dated 5th February 2018 passed by the Debts Recovery Tribunal, Pune in the proceedings initiated by the Respondent No.1 under Section 19(1) of the Recovery of Debts and Bankruptcy Act, 1993. The Petitioner filed a counter-claim in the said proceedings which came to be rejected. Thereafter, this Petitioner filed a Review Petition which came to be rejected on 16th June 2023.

3. We find that an alternate statutory remedy of approaching the Debts Recovery Appellate Tribunal is available to the Petitioner. All grounds sought to be urged before this Court can be raised before the

Debts Recovery Appellate Tribunal. In the backdrop of the fact that, the Petitioner himself had invoked the jurisdiction of the Debts Recovery Tribunal and had filed a counter-claim, we are not inclined to entertain the present Writ Petition in absence of any jurisdictional issue arising.

4. With aforesaid liberty, the Writ Petition is disposed of. All contentions on merits are kept open.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]