

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9854 OF 2024**

|                                  |                |
|----------------------------------|----------------|
| Sudeep Narendra Rawal            | .. Petitioner  |
| Vs.                              |                |
| TJSB Sahakari Bank Ltd. and Ors. | .. Respondents |

Mr. Lakshyaved R. Odhekar (through V.C.) with Mr. Omkar N. Mhasde, Advocates for the Petitioner.

Mr. Kishor Vig (through V.C.) with Mr. Monish K. Vig, Advocates for Respondent No.1-Bank.

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

**DATE : 16<sup>TH</sup> JULY, 2024.**

**[ THROUGH HYBRID HEARING ]**

**PC. :**

1. The challenge raised in this writ petition is to the notice of auction dated 10<sup>th</sup> June 2024 that has been issued by the 1<sup>st</sup> respondent. The said notice has been issued pursuant to the steps taken under Section 13(4) of the Securitization and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, (*for short, "Act of 2002"*). In the said Public Auction Notice, the borrower – a Private Limited Company has been shown to be represented through its Directors. The petitioner has been shown in his capacity as Director and Guarantor. However in paragraph 2 of the writ petition, it has been pleaded that the petitioner presently is a shareholder and an ex-independent non-executive Director of the respondent no.2-Company. Undisputedly, the Directors of the Company including the petitioner stand disqualified in view of orders passed by the Registrar of Companies.

2. In the light of the aforesaid factual position, the learned counsel for respondent no.1-Bank had questioned the locus of the petitioner to challenge the Public Auction Notice. He has invited our attention to the order passed in Writ Petition No.737 of 2013 (*Sudeep N. Rawal Vs. TJSB Sahakari Bank Ltd. and Ors.*), dated 24<sup>th</sup> January 2013. The present petitioner had sought to challenge the order passed by the Debts Recovery Tribunal in recovery proceedings initiated against the respondent no.2-Company. On the ground that as a Director, he had no locus to raise such challenge, the writ petition was dismissed.

3. For the aforesaid reasons and as the petitioner even today has no locus as a Director of the respondent no.2-Company, we are not inclined to entertain the challenge to the issuance of the Public Auction Notice. Hence, the writ petition is disposed of as not entertained.

4. We may only observe that in case the petitioner is desirous of paying the dues of the respondent no.1-Bank, he is free to approach it in accordance with law. If such request is made, the respondent no.1-Bank can take further steps in accordance with law.

[ RAJESH S. PATIL, J. ]

[ A.S. CHANDURKAR, J. ]