

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

WRIT PETITION NO.11838 OF 2024

Vivek Vitthalrao Gawai and Ors. .. Petitioners

Vs.

Union of India,
Through Department of Financial Services,
Ministry of Finance, New Delhi and Ors. .. Respondents

Mr. Nitin Gaware Patil, i/by Mr. Jay Salunke, Advocates for the Petitioners.

Mr. Mohamedali M. Chunawala, Advocate for Respondent No.1.

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

DATE : 21ST AUGUST, 2024.

PC. :

1. The learned counsel for the petitioners submits that against the steps initiated by the 2nd and 3rd respondents for recovery of its dues, the petitioners have already approached the Debts Recovery Tribunal by filing Securitization Application No.100 of 2024. Since notice of auction came to be issued, the petitioners moved an interim application seeking interim relief. On 25th June 2024, the Tribunal was informed that no bids were received by the Bank and hence the auction scheduled on that day could not be held. The proceedings were adjourned to 5th November 2024. The 2nd and 3rd respondents have now issued a fresh auction notice dated 29th July 2024 by which auction is now scheduled on 22nd August 2024. The learned counsel for the petitioners submits that the petitioners are willing to clear all the dues of the creditor. However, as the proceedings have now been adjourned to 5th November 2024, he seeks expeditious consideration of the same.

2. The petitioners are at liberty to file an appropriate interim application before the Debts Recovery Tribunal for challenging the auction notice dated 29th July 2024. If such interim application is filed, the same shall be considered expeditiously in accordance with law. The statement made that the petitioners are willing to clear the dues of the creditor is recorded. All points raised are kept open. Writ petition is disposed of.

3. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]