

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12126 OF 2024

Profound Consulting Pvt. Ltd.

..... Petitioner

VERSUS

Union of India & Ors.

..... Respondents

Mr. Subhash Jha a/w. Mr. Siddhant Jha, Ms. Apeksha Sharma,
Ms. Neha Balani, Mr. Sumeet Upadhya, Mr. Deepesh Shahani i/b.
Law Global Advocates for the Petitioner.

Mr. Gautam Ankhad, Senior Advocate a/w. Mr. Ankur Shah,
Ms. Samridhi Lodha, Mr. Rushab Chopra, Ms. Saloni Sulakhe i/b.
Dhaval Vursonji and Associates for the Respondent No.4.

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

DATE : 28th AUGUST, 2024

P.C. :-

The challenge raised in this writ petition is to an order dated 17th February 2024 passed by the Additional Chief Metropolitan Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. We find that the petitioner has already approached the Debts Recovery Tribunal No.2 by filing Securitization Application No. 94 of 2023. On 15th March, 2024, the following order was passed :-

1. Perused the praecipe and heard the applicant's counsel who submits that no date is fixed to take the physical possession. Leave granted to remove as and when the notice is issued.

3. The learned counsel for the petitioner submits that notice dated 3rd August 2024 has been issued by the Court Commissioner seeking to take possession of the secured asset on 29th August 2024. The actual service of this notice though disputed by the learned counsel for the petitioner, is contested by the learned Senior Advocate for the respondent no.4.

4. In view of the fact that the petitioner has already approached the Debts Recovery Tribunal where the proceedings are pending, we are not inclined to entertain the writ petition.

5. Keeping all points raised open for being urged before the Debts Recovery Tribunal, the writ petition is disposed of as not entertained.

6. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]