IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5543 OF 2024

Bank of Baroda ... Petitioner
- Versus -
Union of India and one ... Respondents

Mr. S.N. Fuladi, Advocate for the petitioner.
Mr. N.S. Deshpande, DSGI for Respondents.

CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.
DATE : OCTOBER 03, 2024.

P.C. :

The petitioner seek directions to set aside the order dated 13.09.2017 and though the reference is made to Section 8 (4) of the Money Lending Act, 2002, in fact, the attachment is under Section 8 (4) of the Prevention of Money Laundering Act, 2002.

2. The petitioner a bank, is a secured creditor, who had granted draft facility to the borrower Mr. Yogesh Ramchandra Kattamwar and by executing the documents in its favour security interest, was created. Since the borrower failed to discharge his liability, his account was declared as NPA and the bank initiated appropriate proceedings for recovery against the borrower.

3. When the Bank Officer approached the mortgaged property, they found an attachment already levied by the Enforcement Directorate (ED) as per order dated 13.09.2017 and

this constrained the bank to prefer the representation to the respondent no.2, which never received any reply.

4. On hearing the counsel for the petitioner, we must express our disinclination to entertain the petition, as there is not clarity as regards the order dated 13.09.2017, as only on the basis of the notice being displayed at the site, where it is indicated that the order dated 13.09.2017, in Original Complaint No.761/2017, the Adjudicating Authority, Prevention of Money Laundering Act, New Delhi has confirmed the attachment of the property mentioned below and it has also declared the property to be in possession of Directorate of Enforcement in terms of Section 8 (4) of the Prevention of Money Laundering Act, 2002, the proceedings are filed before us.

5. It is open to the petitioner, a secured creditor, to raise an objection, if any, by approaching the PMLA Court, if the objections are not already invited, but in any case, the writ jurisdiction of this court on a specious ground that the Bank is aggrieved by the order passed by the Competent Authority under the Prevention of Money Laundering Act, 2002, this court cannot be approached.

Since the petitioner has an alternate remedy, we decline to interfere and dismiss the writ petition.

(ABHAY J. MANTRI, J.) (BHARATI DANGRE, J.)

Gulande