



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

WRIT PETITION NO. 5617 OF 2024

(Union Bank of India vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.D.Ingole, Advocate for the petitioner.

Mr.D.V.Chavan, Government Pleader for the respondent Nos.1 & 2.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : SEPTEMBER 25, 2024

In the wake of the fact that the petitioner Bank has registered its security interest under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002), in the year 2017 itself and it has also initiated proceedings under the SARFAESI Act resulting into an order passed under Section 14 of the said Act by the Chief Judicial Magistrate, Chandrapur dated 23/09/2022.

2) The petitioner Bank has also taken possession of the subject property as per the provisions of 13(4) of the SARFAESI Act, 2002 and has put the property on E-auction sale. The respondent No.4 has filed an appeal under Section 17 of the SARFAESI Act, 2002 before the Debt Recovery Tribunal by way of S.A.No.96/2019 and the same is pending for adjudication. Similarly, the Bank has also filed proceedings under Section 19(1) of the Recovery of Debts and Bankruptcy Act, 1993 before the Debt Recovery Tribunal by filing O.A. No.103/2020.

3) In the wake of aforesaid discussion since we expressed our disinclination to entertain the petition seeking

interference in the order of attachment and recording of encumbrances over the secured interest of the petitioner Bank, learned Counsel for the petitioner seeks permission to withdraw the petition with liberty to take appropriate steps before the Debt Recovery Tribunal.

4) The petition stands disposed of as withdrawn.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)

KOLHE