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

WRIT PETITION NO. 6431 OF 2024

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Mohini Rajendra Vyal

.. Petitioner

Versus

Appar Jilha Dandadhikari, Pune

& Ors.

.. Respondents

Mr. Laxman Kalel for petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mrs. Kavita N. Solunkhe, AGP for respondent nos.1, 2, 4 and 5.

Mr. Ronak Shah for respondent no.3 (through VC).

**CORAM: ALOK ARADHE, CJ. &
 BHARATI DANGRE, J.**

DATE: 12th FEBRUARY, 2025

P.C.:

1. In this petition, the petitioner, *inter alia*, has assailed the validity of the order dated 21st February, 2024 passed by the District Magistrate, Pune in exercise of powers under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002).

2. In **M/s. Sai Hemja Aerobricks Pvt. Ltd. vs. State Bank of India, 2024 (2) ALD 257 (TS)(DB)**, a Division Bench of Telangana High Court to which one of us (Chief Justice) is party, it has been held that against an order passed

under Section 14 of the SARFAESI Act, 2002, an appeal lies under Section 17 of the SARFAESI Act, 2002 to the Debts Recovery Tribunal.

3. The Hon'ble Supreme Court in ***United Bank of India vs. Satyawati Tondon, (2010) 8 SCC 110***, has deprecated the practice of the High Courts in entertaining the writ petitions despite availability of an alternative remedy. The aforesaid view has also been reiterated by the Supreme Court in ***Varimadugu Obi Reddy vs. B. Sreenivasulu, (2023) 2 SCC 168***. The relevant extract of para 36 in ***Varimadugu Obi Reddy*** (supra) reads as under:

"36. In the instant case, although the respondent borrowers initially approached the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act, 2002, but the order of the Tribunal indeed was appealable under Section 18 of the Act subject to the compliance of condition of pre-deposit and without exhausting the statutory remedy of appeal, the respondent borrowers approached the High Court by filing the writ application under Article 226 of the Constitution. We deprecate such practice of entertaining the writ application by the High Courts in exercise of jurisdiction under Article 226 of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of pre-deposit contemplated under 2nd proviso to Section 18 of the 2002 Act."

4. The view taken in ***Satyawati Tondon*** (supra) has been reaffirmed by a three Judge Bench of the Hon'ble Supreme Court in ***PHR Invent Educational Society vs. UCO Bank & Ors., (2024) 6 SCC 579***.

5. In view of aforesaid enunciation of law by the Supreme Court, we are not inclined to entertain the writ petition. However, liberty is reserved to the petitioner to avail the statutory remedy before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, 2002.

6. With the aforesaid liberty, writ petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)