

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

WRIT PETITION NO. 13141 OF 2024

Tushar A. Kalate And Anr. ...Petitioners
VERSUS
The State of Maharashtra and Ors. ...Respondents

**WITH
WRIT PETITION NO.11495 OF 2024**

Suvaraynayug Sahakari Bank Maryadit, Pune ...Petitioner
VERSUS
HDFC Bank Ltd. And Ors. ...Respondents

**WITH
WRIT PETITION NO.6236 OF 2024
WITH
INTERIM APPLICATION NO.136 OF 2025
WITH
INTERIM APPLICATION NO.11769 OF 2024
IN
WRIT PETITION NO.6236 OF 2024**

HDFC Bank Ltd. ...Petitioner
VERSUS
The State of Maharashtra and Anr. ...Respondents

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Adv. Shekhar Jagtap a/w Adv. Sairuchita Chowdhary i/b
J. Shekhar Associates, Advocate for the Petitioners in WP No.
13141/2024 and Applicant in IA No. 136/2025 for the Applicant.

Adv. Suryajeet Chavan, Advocate for the Petitioner in WP
No.6236/2024 and in WP No.13141/2024 for Respondent No.4
and Respondent No.5.

Mr. Ismail Nasikwala, Advocate for the Respondent No.4.

Mr. V. G. Badgujar, AGP for the Respondent – State.

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**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 18th JUNE, 2025

P.C.:

1. We have heard Mr. Jagtap, learned counsel for the Petitioners in Writ Petition No.13141 of 2024 and Mr. Chavan, the learned counsel for the petitioners in Writ Petition No.6236/2024 and for Respondent Nos.4 & 5 in Writ Petition No.13141/2024.

2. It is the submissions of the learned counsel for the petitioners that the HDFC Bank has acted in a very high handed manner in taking the possession. In our opinion the remedy of the Petitioners is to approach the Debts Recovery Tribunal (for short “DRT”) under Section 17 of the Securitisation and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (for short “SARFAESI Act”).

3. Keeping all contentions open and the liberty of the Petitioners to approach the DRT, which can grant appropriate reliefs in view of Section 17 of the SARFAESI Act, the Writ

Petition Nos.13141 of 2024 and Writ Petition No.11495 of 2024 are disposed of without adverting to any of the contentions of the Petitioners on merits.

4. Time spent in prosecuting the Petitions bona fide, this aspect be considered by the DRT sympathetically, if an objection is raised as regards the delay in approaching the DRT.

WRIT PETITION NO.6236 OF 2024

5. Writ Petition No.6236 of 2024 with Interim Applications be de-tagged and listed on 3rd July, 2025.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)