

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11196 OF 2025

JITENDRA
SHANKAR
NIJASURE

Digitally signed by
JITENDRA SHANKAR
NIJASURE
Date: 2025.10.17
15:39:36 +0530

Mr. Jalil Ahmed Siddique and Anr.

...Petitioners

Versus

Encore Asset Reconstruction Co. Pvt. Ltd. &
Ors.

...Respondents

Mr. Sandeep Mishra with Madhura Mulay for the Petitioners.

Mr. Archit Virmani, Mr. Atul Gupta, Daneel Pancras with Deepesh
Ramrakhiani for the Respondent No.1.

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.

DATE : 16TH OCTOBER, 2025.

ORDER :

1. By this Writ Petition, the Petitioners are impugning Order dated 14th May, 2025 passed in Interim Application No.1562 of 2025 in Securitization Application No.236 of 2025 by which the DRT-III had rejected the Interim Application of the Petitioners. Further, prayer is sought for direction that the notice dated 23rd July, 2025 for e-auction cum sale of properties of the Petitioners is illegal and

bad in law and the same is issued against the provisions and procedure of law.

2. The Petitioners have availed of the alternate remedy available to them under Section 17 of the SARFAESI Act, 2002 by filing Securitization Application No.236 of 2025, challenging the physical possession being taken of the subject property.

3. Further, the notice dated 23rd July, 2025 for e-auction cum sale of the properties of the Petitioners has become infructuous as the e-auction sale of the subject property pursuant to the said notice has failed for want of bids on 29th August, 2025.

4. We are not inclined to entertain this Petition in view of the alternate remedy available.

5. The Respondents shall issue notice to the Petitioners in the event of fresh e-auction cum sale in accordance with provisions of SARFAESI Act, 2002 of the subject property.

6. The Writ Petition is accordingly disposed of. The

Petitioners if so aggrieved, are at liberty to challenge the fresh e-auction cum sale notice in the event it is issued by the Respondent in accordance with law.

7. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA J.]