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

WRIT PETITION NO. 12024 OF 2025

1. Mr. Deepak Pranjivan Bosmiya & Anr. ...Petitioners

Versus

Central Bank of India ...Respondent

Mr. Ashok Kumar R. Upadhyay i/b M/s. A.R. Upadhyay & Co. for Petitioners
Ms. Maneesha Patel for Respondent

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

DATE : 17th SEPTEMBER 2025

ORDER :

1. By this Writ Petition, the Petitioners are impugning the order dated 20th May 2025 passed in the Interim Application for waiver bearing Diary No.771 of 2025 in Miscellaneous Appeal bearing Diary No.770 of 2025. Further direction is sought against the Respondent Bank to defer from taking physical possession of the secured Assets.

2. The Petitioners have availed of the alternate remedy by filing Securitisation Application in the Debt Recovery Tribunal ("DRT") and by order dated 15th May 2025, the possession of the secured assets has been

deferred subject to the Petitioners remitting a sum of Rs.74 Lacs with the Respondent Bank at or before 3.30 p.m. on that date. Failure on the part of the Petitioners to do so has resulted in the Respondent Bank taking appropriate measures under the SARFAESI Act.

3. There is an Appeal preferred by the Petitioners before the Debt Recovery Appellate Tribunal (“DRAT”), Allahabad dated 20th May 2025 and by an Order dated 20th May 2025, the DRAT had directed the Petitioners to make pre-deposit in order to maintain the appeal.

4. The Petitioners by availing the alternate remedy, are dis-entitled from seeking Writ remedy before this Court. It is well settled that in the event an alternate remedy has been availed of by the party, the Writ filed by that party is not maintainable.

5. The only reason for the present Writ Petition being filed appears to be to circumvent the making of the pre-deposit as directed by the DRAT, vide Order dated 20th May 2025. Accordingly, the present Writ Petition is not maintainable.

6. The Writ Petition is accordingly dismissed.

7. The rights and contentions of the Petitioners are kept open to be adjudicated before the DRT / DRAT.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)