

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

WRIT PETITION NO. 12491 OF 2025

Prashant Pratap Ahir & Anr.

... Petitioners

V/s.

State of Maharashtra

Through the District Magistrate Pune & Ors.

... Respondents

Ms. Savina Crasto, AGP for the State.

Ms. Aarti Pandey for the Petitioner.

Mr. Ronak Shah for the Respondent No. 5.

Ms. Shyamli Hajela on behalf of M/s. H and M Legal Associates for
Respondent No. 3 and 4.

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

DATE : 1st DECEMBER 2025

ORDER:

1. By this Writ Petition, the Petitioners have impugned the Demand Notice dated 31st July 2018 issued by the Respondent-Bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) as well as all subsequent measures taken under Sections 13(4) and 14 including possession notice, auction proceedings and issuance of sale certificate in respect of the Petitioners property.

2. The Petitioners had filed a prior Writ Petition No. 9455 of 2021, wherein the Petitioners had also challenged measures under the SARFAESI Act. The Division Bench of this Court had held that the Petitioners have an alternate remedy before the Debt Recovery Tribunal (DRT). In fact, the Petitioners themselves had sought a prayer for this Court to grant six weeks time to the Petitioners to approach the DRT/DRAT for adequate remedies. Accordingly, this Court had dismissed the Petition with liberty to the Petitioners to approach the DRT.

3. The Petitioners had filed Securitization Application in which Miscellaneous Application No. 54 of 2022 had been taken out. The Securitization Application had been filed after a delay of nearly six months, despite this Court having granted six weeks time for the Petitioners to approach the DRT.

4. By an order dated 26th August 2024, the DRT had rejected the said Miscellaneous Application filed by the Petitioners by concluding that the grounds for condonation of delay are not sufficient.

5. The Petitioners have thereafter filed an Appeal before the DRAT being Appeal No. 1886 of 2024.

6. The learned Counsel for the Petitioners has submitted before this Court that the present Petition has been taken out as there is a jurisdictional issue insofar as the issuance of the Demand Notice dated 31st July 2018 by the Respondent-Bank under Section 13(2) of the SARFAESI Act and subsequent measures taken by the Respondent-Bank under the SARFAESI Act are concerned. She has submitted that the Petitioner's Securitization Application has not been heard by the DRT in view of the Miscellaneous Application having been rejected. She has submitted that the DRAT is presently unable to take up the Petitioners appeal which has been pending for some time. She has accordingly sought for exercise of Writ Jurisdiction by this Court under Article 226 and 227 of the Constitution of India.

7. We have perused the prior order passed by this Court in Writ Petition No. 9455 of 2021. The Petitioners had, at that stage, sought invocation of Writ Jurisdiction of this Court with regard to the very same measures under the SARFAESI Act which this Court was not inclined to entertain and had accordingly allowed the Petitioners to approach the DRT for their remedies.

8. Considering that the Petitioners have availed of their alternate remedy under the SARFAESI Act before the DRAT, we are not inclined to

entertain this Petition on the alleged ground of jurisdictional error in issuing the Demand Notice and other measures taken by the Respondent-Bank under the SARFAESI Act. These are the very same issues which the Petitioners had taken up in the Securitization Application.

9. Accordingly, we dismiss the present Writ Petition. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH PAWAR
Date: 2025.12.03
16:47:54 +0530

11. WP-12491-2025 dt. 01.12.2025.doc
Shubham