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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.5452 OF 2024
WITH
INTERIM APPLICATION (L) NO.1666 OF 2025**

Edelweiss Asset Reconstruction Company Ltd. .. Petitioner
Vs.
Savitribai Phule Pune University and Ors. .. Respondents

Dr. Milind Sathe, Senior Advocate a/w. Mr. Varun Nathani, Ms. Suchitra Valjee, Ms. Rajvi Shah and Ms. Palak Damani, Advocates, i/by Manilal Kher Ambalal, for the Petitioner.

Mr. Rajendra Anbhule a/w. Ms. Nisha Ahire, Advocates for Respondent No.1.
Mr. Ashish Sonawane a/w. Ms. Ayodhya Patki, Advocates for Respondent No.2.

Mr. S. S. Deshpande (Through VC) a/w. Ms Sulakshana Ghule, Advocates for the Respondent No. 3

Ms. Anjali Helekar a/w. Ms Deepali Deherkar, Advocates for Respondent No.4-AICTE

Mr. Milind Deshmukh, Advocate for Respondent No.5-UGC

Mr. Rakesh Pathak, Assistant Government Pleader for Respondent Nos.6 & 7.

Mr. V. R. Dhond, Senior Advocate a/w. Mr. Viraj Parikh, i/b. Mr. Indrajeet Hingane, Advocates for Respondent Nos. 8 to 12.

Mr. Naushad Engineer, Senior Advocate a/w. Mr. Yohaann Limathwalla, i/by Mr. Gauresh Khandalekar, Advocates for the Applicant-Intervenor in IA(L) 1666/2025

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATED : 13th MARCH 2025

PC.:

1. Heard. The petitioner claims to be an assignee of debts recoverable from the respondent no.8, a Public Charitable Trust

registered under the provisions of the Maharashtra Public Trusts Act, 1950. The said Trust is conducting various educational institutions / colleges through respondent nos.9 to 12. It is the case of the petitioner that it has taken various steps for recovering outstanding dues from the Trust. In proceedings before the Debts Recovery Tribunal (for short, 'DRT'), consent terms dated 22/01/2015 came to be executed between the Trust and its creditor. On failure on the part of Trust in clearing the agreed dues as per the consent terms, recovery certificate dated 23/02/2016 came to be issued by the DRT. On the basis of the said recovery certificate, the petitioner sought to take steps for obtaining possession of the mortgaged assets namely the land on which the educational institutions were being run by respondent nos.9 to 12. According to the petitioner, it is facing various difficulties in obtaining such possession especially in the light of the fact that students are taking education at the respondent nos.9 to 12 educational institutions. . In that backdrop, the petitioner made a representation dated 26/09/2024 to respondent nos.1, 3 and 4 to withdraw the affiliation of respondent nos.9 to 12 that were affiliated to it. Since the representation dated 26/09/2024 and two other representations dated 10/10/2024 and 19/11/2024 were not being considered, this writ petition has been filed.

2. We have heard the learned Senior Advocate for the petitioner, the learned counsel appearing for respondent nos.1 to 7 as well as the learned Senior Advocate appearing for respondent nos.8 to 12. Interim Application (L) No.1666 of 2025 has been filed by a Students Association comprising of students pursuing education at the respondent nos.9 to 12 institutions. The applicant is concerned with the interest of the students and thus seeks to safeguard the same.

3. On 12/12/2024, this Court had directed the respondent nos.1, 3 and 4 to consider the petitioner's representation dated 26/09/2024 and indicate their stand in that regard. In a further order dated 17/01/2025, the fact that opportunity of hearing would be afforded to the petitioner was recorded. Further the respondent no.2 was also directed to consider the representations dated 19/11/2024 and 24/01/2025 as made to it.

4. Insofar as the representation made to the respondent no.1- Savitribai Phule Pune University is concerned, it is seen that in its communication dated 03/02/2025 issued by the Deputy Registrar, Academic Section, the petitioner has been informed that the University was of the view that for protecting the academic interest of students studying at the affiliated colleges conducted by the Trust, the issue of repayment of loan ought to be settled at the earliest. It was further stated that, in case attachment of any

subject property is required to be effected, the University would take appropriate action for shifting the students studying in the colleges to some other affiliated colleges.

According to the learned Senior Advocate for the petitioner, in view of provisions of Section 108(1)(e) and Section 120 of the Maharashtra Public Universities Act, 2016, the respondent no.1 was statutorily bound to take necessary steps as the lands on which the affiliated college was being run was mortgaged property. On the other hand, it was submitted by the learned Senior Advocate for respondent nos. 8 to 12 that the College was in a position to make due provision for its continued maintenance and working and it was concerned with the benefit of the students. It was disputed that the affiliated college was being conducted on any mortgaged property.

5. As regards the respondent no.2 is concerned, there is no specific response placed on record on its behalf. Suffice it to observe that the representatives of the petitioner were called upon for being heard on 24/01/2025. The petitioner has also addressed communication dated 11/02/2025 to the respondent no.2 stating therein that it would provide further necessary documents if required while considering the representation dated 19/11/2024.

6. As regards the stand of respondent no.3-Pharmacy Council of India is concerned, the representation dated 10/10/2024 has been

made to it which is pending consideration.

Coming to the response of the respondent no.4- All India Council for Technical Education, it is seen that on 04/03/2025, the petitioner has issued a further communication to the said respondent calling upon it to take necessary action as prescribed under the approval process hand book. The petitioner has indicated its willingness to provide any further documents/assistance if required in that regard.

7. Having considered the respective submissions, it is seen that insofar as the respondent no.1 is concerned, it has indicated its response vide communication dated 03/02/2025. The same is pursuant to the petitioner's representation dated 26/09/2024. The petitioner's representation having been considered, it would be open for the petitioner to take any further steps as warranted in this regard in accordance with law.

As regards, the representation made to the respondent no.2 is concerned, it is directed to consider the petitioner's representation dated 19/11/2024 in accordance with law after giving an opportunity to the petitioner as well as respondent nos. 8 and 9, if the aforesaid representation has still not been decided.

Insofar as the representation made to the respondent no.3 dated 10/10/2024 is concerned, same shall be considered in

accordance with law after hearing the petitioner, respondent nos.8 and 11, if the same has not been decided.

Insofar as respondent no.4 is concerned, it shall consider the representation made to it on 26/09/2024 alongwith a further communication dated 04/03/2025 issued by the petitioner to it in accordance with law. The respondent no.4 can hear the petitioner, respondent nos.8 and 9 in the matter.

Needless to observe that the respondent nos.1 to 4 shall keep in mind the academic interest of students while considering the aforesaid representations.

8. In case the petitioner is not satisfied with the outcome of the consideration of its representations, it is free to adopt appropriate legal recourse. It is clarified that prayer clauses (a) and (b) have not been gone into at this stage. With aforesaid directions and observations, the Writ Petition and the Interim Application are disposed of.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)