

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6095 OF 2026

M/s. Prishija Energy Private Limited and others ... Petitioners
Vs.
Saraswat Co-operative Bank Limited and others ... Respondents

Mr. Nitin P. Deshpande for Petitioners.

Mr. Nikhil Rajani a/w. Mr. Ajay Deshmane i/b. V. Deshpande & Co. for Respondent No.1.

Mr. O. A. Chandurkar, Additional GP a/w. Ms. G. R. Raghuwanshi, AGP for Respondents-State.

**CORAM : MANISH PITALE &
FARHAN P. DUBASH, JJ.**

DATE : MAY 07, 2026

P.C. :

. By this writ petition, the petitioners have challenged order dated 05.12.2024 passed by the Competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act').

2. The petitioners are borrowers. A statutory remedy under Section 17 of the Securitisation Act is available to the petitioners for approaching the Debts Recovery Tribunal (DRT).

3. In the case of *United Bank of India Vs. Satyawati Tandon and others*, **(2010) 8 SCC 110**, the Supreme Court has categorically held that the High Court exercising writ jurisdiction ought not to entertain writ petitions in the light of availability of the aforesaid alternative remedy of approaching the DRT under the provisions of the Securitisation Act.

4. As a matter of fact, in a recent judgement of the Supreme Court in the case of *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*, (2024) 2 SCC 1 , in paragraph 101, the Supreme Court has been constrained to observe as follows:-

“101. More than a decade back, this Court had expressed serious concern despite its repeated pronouncements in regard to the High Courts ignoring the availability of statutory remedies under the RDBFI Act and the SARFAESI Act and exercise of jurisdiction under Article 226 of the Constitution. Even after, the decision of this Court in *Satyawati Tondon*, it appears that the High Courts have continued to exercise its writ jurisdiction under Article 226 ignoring the statutory remedies under the RDBFI Act and the SARFAESI Act.”

5. In view of the above, we decline to entertain the present petition. Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to avail of the statutory remedy.

(FARHAN P. DUBASH, J.)

(MANISH PITALE, J.)

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