

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12260 OF 2026

Waheeda Munir Hodekar ... Petitioner
Vs.
Authorized Officer Bank of Maharashtra ... Respondent

Ms. Namrata Agashe a/w. Mr. Shreyas Choudhari for Petitioner.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : SEPTEMBER 17, 2026

P.C. :

- . Heard Mr. Agashe, learned counsel for the petitioner (borrower).
2. The present writ petition is filed directly to challenge an e-auction notice dated 03.08.2026 issued by the respondent bank (secured creditor). As per the notice, an auction was to take place on 15.09.2026. The petitioner does not have information as to what actually transpired in the e-auction slated for 15.09.2026. It is an admitted position that the petitioner has already availed the statutory remedy of filing securitisation application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act') before the Debts Recovery Tribunal (DRT) at Pune. The said application was filed as far back as in the year 2023 bearing Securitisation Application (D) No.1455 of 2023.
3. It is the case of the petitioner that in the said securitisation application, 25% amount due was deposited with the respondent bank and the matter remained at that stage. Admittedly, there was no interim order passed by the DRT in the pending securitisation application.

4. It is also an admitted position that the securitisation application stood dismissed on account of non-removal of office objections. The petitioner claims that recently in August 2026, she became aware about the fate of the securitisation application, only after e-auction notice was pasted on the premises of the petitioner. Thereafter, steps were taken for filing appropriate proceedings for restoration of the securitisation application. We are informed that it is pending in the form of a chamber appeal before the presiding officer of DRT. The learned counsel appearing for the petitioner further informs that an application for interim relief is also preferred bearing Interim Application No.3334 of 2026.

5. In the face of the aforesaid admitted facts, we are of the opinion that the petitioner is to blame for her own predicament. Now that, admittedly, steps have been taken to seek restoration of the securitisation application and an application for interim relief is already filed before the DRT, we are not inclined to entertain the present writ petition. The Supreme Court in a number of judgements, including in the case of *United Bank of India Vs. Satyawati Tandon and others*, **(2010) 8 SCC 110**, has held that High Courts exercising writ jurisdiction under Article 226 of the Constitution of India ought not to entertain writ petitions in the face of alternative efficacious statutory remedy available under the provisions of the Securitisation Act by approaching the DRT.

6. In its judgement in the case of *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*, **(2024) 2 SCC 1**, in paragraph 101, the Supreme Court was 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 Tandon*, 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.”

7. We are of the opinion that the petitioner cannot be permitted to knock the doors of the Writ Court at her sweet will when the situation of urgency has arisen, despite having availed of the statutory remedy under the provisions of the Securitisation Act. Therefore, the writ petition is dismissed. However, appropriate directions can be issued to DRT at Pune in the light of the facts pointed out before this Court. The DRT at Pune is directed to expeditiously consider the pending Chamber Appeal (D) No.2350 of 2026 and Interim Application No.3334 of 2026 (for interim reliefs).

8. The said chamber appeal and the application shall be taken up for appropriate orders in an expeditious manner and preferably within two weeks from today.

9. Pending applications, if any, in this writ petition are also disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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