

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

WRIT PETITION NO. 11165 OF 2026

Jyoti Kiran Kalyankar

...Petitioner

Versus

Bank of Maharashtra and Another

...Respondents

Mr. Vijay Chandavale, for the Petitioner

Mr. Abhijit Ranjan i/b. C. Shah Kaylegal & Associates LLP, for the Respondent No. 1.

Ms. Meezan Patel, for Respondent No. 2.

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2026.08.31
17:47:36 +0530

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 31st AUGUST, 2026

PC. :

1. Heard learned counsel for the petitioner.
2. Respondents No. 1 and 2 are represented by counsel today. On their request, they are permitted to place their vakalatnamas on record within one week from today.
3. The petitioner has directly filed this writ petition to challenge order dated 15.04.2026 passed by the Debts Recovery Tribunal, Pune (DRT), whereby an interim application filed in a pending Securitisation Application was disposed of by issuing specific directions.
4. We are of the opinion that if the petitioner is aggrieved by the

said order passed by the DRT, recourse must be taken to the alternative efficacious statutory remedy available to the petitioner to file an appeal before the Debts Recovery Appellate Tribunal (DRAT).

5. In the face of such statutory remedy being available to the petitioner, no special or extraordinary ground is made out for entertaining the present writ petition. An attempt was made on behalf of the petitioner to contend that interpretation of certain circular of the Reserve Bank of India (RBI) has not been done properly by the DRT in the impugned order. Nothing prevents the petitioner from taking the said ground and all other grounds available on merits to challenge the said order before the DRAT in terms of the statutory remedy available to the petitioner.

6. The Supreme Court in the case of **United Bank of India vs. Satyawati Tondon (2010) 8 SCC 110** held as far back as in the year 2010 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 remedies available under the provisions of the SARFAESI Act.

7. Since High Courts appeared to be entertaining such petitions

despite the settled position of law indicated by the Supreme Court, in the case of **Celir LLP vs. Bafna Motors (Mumbai) Pvt. Ltd. (2024) 2 SCC 1**, 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 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.

8. In view of the above, we are of the opinion that the present petition cannot be entertained. The petitioner ought to take recourse to the alternative efficacious statutory remedy of appeal before DRAT available under the provisions of the Securitisation Act.

9. In view of the above, the writ petition is dismissed.

10. However, the petitioner is at liberty to exhaust the alternative efficacious statutory remedy of filing an appeal before the DRAT in accordance with law. This Court has not expressed any opinion on the merits of the matter. All rights and contentions of the parties are kept open.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)