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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2881 OF 2026

Buddhabhushan Kundan Gote

...Petitioner

Versus

Bank of Maharashtra and Anr.

...Respondents

None for the Petitioner.

Mr. Abhishek Samant a/w Ms. Pranali Rawool for Respondent Nos. 1 and 2.
Ms. M.S. Bane, AGP for Respondent – State.

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

DATE: 1st APRIL 2026

PC.

1. This Petition was listed on 9th March 2026 when there was no appearance on behalf of the Petitioner and hence this Petition was directed to be listed today in the same category of fresh matters.

2. Even today there is no appearance on behalf of the Petitioner while Respondent Nos. 1 and 2 (Secured Creditors) are represented by Counsel.

3. Since there is no appearance on behalf of the Petitioner on the second consecutive occasion, we find that the Petitioner is not interested in pursuing this Petition. Even otherwise, we find that by this Writ Petition the Petitioner is directly challenging action undertaken by the Respondent/ Bank (Secured Creditor) under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. ("SARFAESI Act"). There is an alternative efficacious statutory



remedy available to the Petitioners under the provisions of SARFAESI Act for approaching the Debts Recovery Tribunal in order to raise grievance with regard to the actions undertaken by the Respondent/Bank. There is no reason for this Court to entertain such a Writ Petition directly. It is surprising that in Paragraph No.3 (under the caption formal submissions) of the Writ Petition it is boldly stated that there is no alternative, adequate and efficacious remedy available for the Petitioner.

4. In view of the above, the Writ Petition is dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)