



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 9326 OF 2020 (GM-RES)

BETWEEN:

EDVENTURE SOFTWARE PVT. LTD.
HAVING ITS REGISTERED OFFICE AT
NO.311/7, 9TH MAIN ROAD,
5TH BLOCK EAST, JAYANAGAR,
BANGALORE-560 041.
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE
SMT. V G SATHYA PREMA
W/O SRI. R. PRAKASH

...PETITIONER

(BY SRI. P. AVINASH, ADVOCATE)

AND:

KOTAK MAHINDRA BANK LTD.,
NO.22, 2ND FLOOR,
M.G.ROAD,
BANGALORE-560001
REPRESENTED BY ITS MANAGER
MR. MURALI M.R.

AMENDED AS PER ORDER DATED 20.08.2025.

...RESPONDENT

(BY SRI. FRANCIS XAVIER, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
PASSED BY THE 3RD ACMM, BANGALORE DATED 20.09.2016 PASSED
IN CRIMINAL MISCELLANEOUS NO.7059/2016 AND ETC.



THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has challenged an order dated 20.09.2016 passed by the III Additional Chief Metropolitan Magistrate, Bengaluru in Cr.Misc.No.7059/2016, whereby a petition filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth referred to as 'SARFAESI Act, 2002') was allowed. It has also sought to quash the sale notice dated 05.08.2020 issued by the respondent under Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002 (henceforth referred to as 'Rules, 2002').

2. It appears that the petitioner had raised a loan from the respondent - Bank and fell due. The secured assets were proceeded against by the respondent - Bank and possession of the property was taken over under Section 14 of the SARFAESI Act, 2002 and proceedings under Rules 8 and 9 of the Rules, 2002, are taken out, which are challenged in this writ petition.



3. The petitioner cannot assail these proceedings in a writ petition under Article 226 of the Constitution of India in view of the judgment of the Hon'ble Apex Court in ***United Bank of India vs. Satyawati Tondon and others [AIR 2010 SC 34]*** as well as the judgment of Coordinate Bench of this Court in ***Smt. Vimala Bhushan vs. The Authorised Officer, YES Bank Limited, Mumbai and others [ILR 2019 KAR 2520]***.

4. Consequently, this writ petition is ***dismissed as not maintainable***. It is however open for the petitioner to challenge the impugned order before the Tribunal in accordance with law.

5. The time consumed in pursuing this petition shall be deducted while calculating limitation applicable to proceedings before the Tribunal.

6. If the petitioner has deposited any amount pursuant to any order passed by this Court, the same shall be taken into consideration by the Tribunal while considering the interim reliefs sought for by the petitioner in such proceedings.



7. The respondents are directed not to take any precipitative action against the secured assets for a period of fifteen days from today so as to enable the petitioner to approach the Tribunal.

8. In view of dismissal of the writ petition, pending I.As., if any, do not survive for consideration and the same stand disposed off.

Sd/-
(R. NATARAJ)
JUDGE