

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002), S. 17 - Constitution of India, 1950, Article 226 - Order of the Debt Recovery Tribunal under Section 17 of the Act, was appealable order under Section 18 - In the ordinary course of business, the borrowers/person aggrieved was supposed to avail the statutory remedy of appeal -

In the absence of efficacious alternative remedy being availed, there was no reasonable justification tendered by the respondent borrowers in approaching the High Court and filing writ application assailing order of the Tribunal passed under S. 17 under Article 226 of the Constitution without exhausting the statutory right of appeal available at its command - We deprecate such practice of entertaining the writ application by the High Court in exercise of jurisdiction under Article 226 of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of predeposit contemplated under 2nd proviso to Section 18 of the Act 2002.

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[2022 SCej 1281, 2022 PLRonline 1492502, \(2022-4\)208 PLR 737 \(SC\) \(SN\)](#)