

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

WRIT PETITION NO. 13558 OF 2026

Vilas Vasant Gandhe ... Petitioner
Versus
Encore Assets Reconstruction Pvt. Ltd.,
through its Authorized Officer & Anr. ... Respondents

Mr. Mandar Soman i/by Mr. Sanjay S. Anabhawane for Petitioner.
Mr. Nikhil Rajani i/by M/s. V. Deshpande & Co. for Respondent No.1.

Mr. Aayush Kothari and Mr. Sparsh Ghogare i/by Ms. Sanjana Ghogare for Respondent No.2.

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

DATE : 13th OCTOBER 2026

P.C. :

. This petition is listed in the fresh category, but since both the respondents are represented by Counsel and considering the short issue involved in this petition, it is taken up for hearing and disposal.

2. The petitioner is the original borrower, aggrieved by order dated 21st September 2026, whereby an appeal filed by the petitioner was dismissed only on the ground of delay.

3. It is an admitted position that during pendency of the appeal, an interim order was operating, thereby restraining

respondent No.2 (auction purchaser) from creating third party rights or encumbrances on the subject property (secured asset).

4. The documents on record show a glaring error committed by the Debts Recovery Appellate Tribunal (DRAT), while passing the impugned order. The record shows that on 18th February 2025, the DRAT itself had specifically condoned delay in filing the appeal. It was recorded that the delay of 34 days was sufficiently explained and accordingly, the application seeking condonation of delay was allowed. Consequently, the appeal was taken up for consideration. It is shocking that when the delay in filing the appeal was already condoned by order dated 18th February 2025, the DRAT proceeded to pass the impugned order, dismissing the appeal solely on the ground of delay. It appears that the parties did not point out to the DRAT about existence of the said order dated 18th February 2025, whereby delay had been already condoned.

5. On this short ground, we are inclined to set aside the impugned order, so that the appeal filed by the petitioner is taken up for consideration on merits before the DRAT.

6. It is also an admitted position that the petitioner has deposited an amount of Rs.5 crores towards mandatory pre-deposit as per the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for the appeal to be registered and entertained. It is also an admitted position that by order dated 1st May 2026, the DRAT had disposed of an application for interim relief filed by

the petitioner, restraining the respondent No.2 (auction purchaser) from creating third party rights in the subject property.

7. In view of the above, the writ petition is allowed.

8. The impugned order dated 21st September 2026 passed by the DRAT is quashed and set aside. Consequently, the appeal before the DRAT bearing Regular Appeal No. 15 of 2025 is revived, along with the interim order dated 1st May 2025 passed in the pending appeal.

9. Since, pleadings before the DRAT are complete, the learned counsel appearing for the respondents submit that a direction can be issued for expeditious disposal of the pending appeal.

10. In view of the above, the DRAT is directed to hear and dispose of the aforesaid appeal, as expeditiously as possible and in any case, on or before 15th December 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)