

ITEM NOS.55+41

COURT NO.6

SECTION IV-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.30618/2026

[Arising out of impugned final judgment and order dated 29-07-2026 in WP No. 30195/2026 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

IONOSPHERE CREATIONS PRIVATE LIMITED

Petitioner(s)

VERSUS

RUPESH AGRAWAL &amp; ORS.

Respondent(s)

(FOR ADMISSION)

(IA No. 258405/2026 - EXEMPTION FROM FILING O.T., IA No. 258404/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 258406/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP (Civil) No.26906/2026

(IA No. 222283/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 222284/2026 - EXEMPTION FROM FILING O.T. AND IA No. 223846/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-09-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Shyam Divan, Sr. Adv.  
Mr. N.K. Mody, Sr. Adv.  
Mr. Umang Mehta, Adv.  
Mr. Raghav Bhatia, Adv.  
Mr. Prabuddha Singh Gour, Adv.  
Ms. Ishita M Puranik, Adv.  
Ms. Aniya, Adv.  
Mr. Praveen Swarup, AOR

Mr. Navin Pahwa, Sr. Adv.  
Mr. B. Shravanth Shanker, AOR  
Ms. Prerna Robin, Adv.  
Mr. Shivam Kunal, Adv.  
Ms. Grahita Agarwal, Adv.  
Mr. I.V. Sai Nikhil, Adv.  
Mr. Tushar Gadia, Adv.

For Respondent(s) :

Mr. Navin Pahwa, Sr. Adv.  
 Mr. B. Shravanth Shanker, AOR  
 Ms. Prerna Robin, Adv.  
 Mr. Shivam Kunal, Adv.  
 Ms. Grahita Agarwal, Adv.  
 Mr. I.V. Sai Nikhil, Adv.  
 Mr. Tushar Gadia, Adv.

Mr. Sidhant Pandita, Adv.  
 Mr. Abhijeet C. Thakur, Adv.  
 Mr. Anil Kumar, AOR

Mr. Vinayu Garg, AOR

UPON hearing the counsel the Court made the following  
 O R D E R

Petition for Special Leave to Appeal (C) No.30618/2026:-

1. We heard Mr. Shyam Divan, the learned Senior Counsel appearing for the petitioner, Mr. Navin Pahwa, the learned Senior counsel appearing for the Respondent Nos.1 and 2 respectively, Mr. Gaurav Agarwal, the learned Senior Counsel appearing for the Respondent No.3 - Bank and Mr. Vinay Garg, the learned Counsel appearing for the borrowers.

2. The subject - matter of challenge in the present petition is the Order passed by the High Court dated 29th July, 2026 in Writ Petition No.30195/2026 preferred by the Respondent Nos.1 and 2 respectively before us, by which the High Court dismissed the writ petition in the following terms:-

*"9. By way of this petition, the petitioners are assailing the order passed by 21.07.2026 (Annexure P-27) passed by DRAT, Allahabad, and DRT and order dated 30.06.2026 (Annexure P-25) passed by the District Magistrate Bhopal under section 14 of the SARFAESI Act inter alia on the ground that civil suit (counter claim) is still pending challenging the gift deed in favour of the borrower i.e Smt. Mallika Garg; therefore, the DRT and DRAT, Allahabad have wrongly dismissed the S.A and appeal on the ground*

of locus. It is also submitted that the District Magistrate has wrongly passed the order for taking physical possession during pendency of the suit.

10. So far the civil suit is concerned, the application under Order 39 Rule 2 of C.P.C filed by the petitioner had already been dismissed long back. The District Magistrate earlier dismissed, the application under section 14, which became the subject matter of W.P no. 14869/2018. The sole ground of the petitioner had been rejected in paragraph 7, i.e respondent nos. 5 to 7 therein i.e., the present petitioner succeeded in the counterclaim. They might have a claim against Smt. Mallika Garg, not against the Bank. The aforesaid order has been upheld by the Apex Court by dismissing the SLP. Therefore, now the petitioner cannot question the proceeding initiated under the SARFAESI Act by the Bank under section 13 and 14 of the SARPAESI Act and cannot resist the physical possession to be taken by the respondent/Bank. Hence, the petition is dismissed.

11. However, the petitioners shall have a liberty to clear the debt amount in total if they want to protect the mortgaged House No. E-2/8, Arera Colony, Bhopal (M.P) from auction. If the petitioners have bona fide intentions and submit a proposal for full and final settlement of the Loan Account within one month from today with a Demand Draft of Rs. One Crores, the Respondent No.1/ Bank shall consider it before finalising the auction proceedings in accordance with the SARFAESI Act."

3. The petitioner, being aggrieved and dissatisfied with the impugned Order passed by the High Court, is here before us.

4. When the matter was taken up for hearing, Mr. Divan submitted that the petitioner has filed a Review Petition No.1603 of 2026 in the High Court on some legal grounds.

5. His client would like to pursue the review petition before the High Court.

6. If that be so, then we dispose of this Special Leave Petition with liberty to the petitioner to pursue his Review Petition before the High Court and in the event if any adverse order is passed, it shall be open for the petitioner to come back before this Court with an appropriate Special Leave Petition.

7. We request the High Court to take up the Review Petition No.1603/2026 for hearing at the earliest and see to it that

the same is disposed of within a period of six weeks from today.

8. Pending applications, if any, also stand disposed of.

SLP (Civil) No.26906/2026:-

1. We also take notice of the fact that there is a connected petition being SLP (Civil) No.26906/2026 at Item No.41 today.

2. We would like to defer the hearing of this petition till the review petition is decided. No sooner the review petition is decided, we shall take up the said SLP for hearing.

3. Interim order in this matter shall continue

4. Mr. Navin Pahwa, the learned Senior counsel submitted that in pursuance of the Order passed by this Court, his client has deposited Rs.1 Crore with the Bank.

(VISHAL ANAND)  
DEPUTY REGISTRAR

(POOJA SHARMA)  
COURT MASTER (NSH)