

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10436 OF 2026

Prajakta Properties Pvt Ltd Throu. .. Petitioners
Pradip Indulkar And Anr

V/S.

State Bank of India Throu. .. Respondents
Authorised Officer And Ors

Mr. Charles Desouza (VC)with Rupak Sawangikar i/by Indrajeet Hingane, for the petitioners.

Mr. Rony Pallath Joseph (Rony and Co), for respondent No. 1-State Bank of India.

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

DATE : 21ST AUGUST 2026.

PC:

1. The petitioner is the successful bidder/auction purchaser, and he is aggrieved by an order dated 12th June 2026 passed by the Debt Recovery Appellate Tribunal, Mumbai (DRAT), passed in an interim application filed in a regular appeal preferred by Respondent No. 2 (borrower). We are informed that Respondent No. 3, i.e. the co-borrower, has expired.

2. The grievance of the petitioner is that although he is the successful bidder/auction purchaser in an auction sale proceeding conducted by the Recovery Officer of the Debt Recovery Tribunal, Pune, without making him a party before the DRAT, an interim order

has been obtained by the said borrowers to the effect that there shall be a stay to the confirmation of sale in favour of the petitioner.

3. The learned counsel for the petitioner submits that the borrowers were all along aware about the proceedings before the DRT and that the DRT in its order has specifically recorded that they were 'fence-sitters' who chose to approach the DRT after the matter had proceeded to the stage of the auction sale being conducted. It is further submitted that in such a situation, the DRAT ought not to have passed the interim order in favor of the borrowers without the petitioners even being made a party.

4. We are of the opinion that since the order impugned in this writ petition is an ad-interim order, and the proceedings are still pending before the DRAT, it would be appropriate that the petitioner is directed to be joined as a party in the said proceedings. Since the outcome of the said proceedings and any orders passed therein by the DRAT would affect the petitioner, who is the successful bidder/auction purchaser, it would be appropriate that a suitable direction is issued and the proceedings before the DRAT are expedited.

5. In view of the above, the writ petition is disposed of by directing Respondent No. 2 (borrower) to join the petitioners as parties in the pending Regular Appeal No. 46 of 2026, and in the interim applications filed therein.

6. The necessary amendments in the said proceedings before the DRAT shall be carried out within two weeks from today.

7. Thereupon, the petitioners would be at liberty to participate in

the said proceedings and seek appropriate orders, including for vacating the interim order passed by the DRAT. If such applications are filed and pursued by the petitioners, they shall be decided on their own merits by the DRAT. If the petitioners file applications as indicated hereinabove for appropriate reliefs, the DRAT shall decide such application(s) as expeditiously as possible, and within six weeks of the petitioners being joined as parties to the proceedings.

8. All rights and contentions of the parties are kept open. The writ petition is disposed of. Pending applications, if any, are also disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)