

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10709 OF 2026

Bank of India

... Petitioner

Versus

Rajendra Vitthal Shinde and others

... Respondents

Mr. Mayur Khandeparkar, Mr. Raghav Dharmadhikari, a/w Adv. Kashish, i/b Ms. Sonam Chandwani, for KS Legal & Associates, for Petitioner.

Adv. D. Naik, i/b Mr. Chandresh Rao, for Respondent Nos. 1 and 2.

Mr. Sohan K. i/b Mr. Punit Gogad, for Respondent No. 4.

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

DATE : 28th AUGUST 2026.

PC:

1. The present petition is filed by the bank (secured creditor), being aggrieved by an order dated 11/06/2026 passed by the Debt Recovery Tribunal-3, Mumbai (DRT-3), whereby further proceedings pursuant to an auction conducted by the Petitioner bank have been effectively stayed till decision on Interim Application No. 1989 of 2026 (for interim reliefs) filed by Respondent Nos. 1 and 2 (original borrowers/guarantors) in pending Securitization Application No. 382 of 2023 filed by the said Respondents.

2. A perusal of the impugned order shows that DRT-3 appears to have issued the said direction on the ground that there was no appearance on

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behalf of the Petitioner bank, which is the Respondent in the proceedings before DRT-3, Mumbai/in-charge Court. It is also recorded that the Petitioner bank did not furnish details regarding the auction that was conducted. We are informed that this was the third attempt at auction and that now there is a successful auction purchaser who has filed an application for intervention in the pending proceedings before DRT-3.

3. The learned counsel appearing for the Petitioner bank has given a suggestion, which can lead to the disposal of the writ petition itself.

4. It is pointed out that an urgent praecipe was moved before DRT-3 on the very next day, i.e, 12/06/2026 informing DRT-3 about the fact that the advocate representing the Petitioner bank had joined the proceedings virtually and he was logged in online, but due to some technical reasons beyond the control of the said advocate, his appearance was not marked in the proceedings dated 11/06/2026. It is submitted that instead of going into the said controversy, the concern of the Petitioner bank and obviously that of the successful auction purchaser is that the pending Interim Application No. 1989 of 2026 is decided at the earliest.

5. It is brought to our notice that hearing on the said application has been adjourned on various dates, i.e., 22/06/2026, 17/07/2026, 28/07/2026, 07/08/2026, 17/08/2026 and 21/08/2026. The next date of hearing is 11/09/2026. It is submitted that the pleadings in Interim

Application No. 1989 of 2026 are complete. In the interregnum, the Respondent Nos. 1 and 2 have amended the securitization application and the amended papers have been recently served upon the Petitioner bank. It is stated that reply affidavit to the amended securitization application shall be filed by the bank on or before 01/09/2026, so that there is enough time for Respondent Nos. 1 and 2 to file a rejoinder thereto, if any, so that the pending Interim Application No. 1989 of 2026 can be heard and appropriate orders can be passed in the said application on the next date of listing, i.e., 11/09/2026.

6. We are of the opinion that the said suggestion given on behalf of the bank can be accepted, as hearing and disposal of the pending Interim Application No. 1989 of 2026 would be in the interest of all the concerned parties. There can be no opposition from any of the parties to the proceedings with regard to early disposal of the pending interim application. Hence, the writ petition is disposed of in the following manner:

(a) The Petitioner bank shall file its further reply affidavit in the amended Securitisation Application No. 382 of 2023 on or before 01/09/2026. Respondent Nos. 1 and 2, who are applicants in the said securitization application, shall file their rejoinder affidavit, if any, on or before 9th September 2026.

(b) Since the pleadings in Interim Application No. 1989 of 2026 are complete, DRT-3, Mumbai/in-charge Court shall take up the said application for hearing and disposal on the next date, i.e., 11/09/2026.

(c) DRT-3 Mumbai/in-charge Court shall hear all concerned parties, including the auction purchaser and thereupon, Interim Application No. 1989 of 2026 shall be disposed of on the next date of listing, i.e., 11/09/2026.

7. This Court has not expressed any opinion on the merits of the matter. All rights and contentions of the parties are kept open. Pending applications, if any, stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)