

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.6626 OF 2026
IN
REVIEW PETITION (ST.) NO.23647 OF 2026
IN
WRIT PETITION NO.6726 OF 2026

Manoj Bhimrao Dalvi ... Applicant / Petitioner
Vs.
Aspire Housing Finance Limited and others ... Respondents

Dr. U. P. Warunjikar i/b. Mr. Jenish D. Jain for Applicant / Petitioner.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : AUGUST 28, 2026

P.C. :

By Interim Application No.6626 of 2026, the applicant - petitioner is seeking condonation of delay of 13 days in filing the review petition.

2. Having perused the application, it is found that sufficient reasons are stated therein justifying the prayer for condonation of delay in filing the review petition.
3. Accordingly, the application is allowed and delay is condoned.
4. Heard learned counsel for the review petitioner.
5. The petitioner is seeking review of order dated 30.06.2026 passed by this Court in Writ Petition No.676 of 2026. It is brought to our notice that the aforesaid order was challenged by the petitioner by filing Special Leave Petition (Civil) No.23941 of 2026. The said special leave petition was dismissed, but, the Supreme Court recorded a statement made on behalf of the petitioner seeking permission to withdraw the

petition to approach this Court by filing a review. The liberty to file review was reserved.

6. The learned counsel for the review petitioner invites our attention to paragraph 7 of the order dated 30.06.2026. It is submitted that the observations made therein may not be appropriate to the extent that the facts in the case of *Himanshu Singh and others Vs. Union of India*, **2025 SCC OnLine SC 553**, are distinguishable from the facts of the present case. An attempt was made to contend that since fraud has been alleged, jurisdiction of Debts Recovery Tribunal (DRT) may not be available and that therefore, the writ petition ought to have been entertained.

4. We are unable to agree with the learned counsel for the petitioner on the said count. We do not find any reason to accept the contention that writ petition ought to have been entertained because question of fraud was being raised by the petitioner. We are of the opinion that our order dated 30.06.2026 follows the settled position of law laid down by the Supreme Court that aggrieved persons like the petitioner have the statutory remedy of approaching the DRT under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The writ petitions filed in such situations ought not to be entertained as reiterated by the Supreme Court in a number of judgements, including *United Bank of India Vs. Satyawati Tandon and others*, **(2010) 8 SCC 110** and *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*, **(2024) 2 SCC 1**. It is for the DRT to consider the grievance raised by the petitioner and come to a conclusion as to whether relief can be granted and if so, in what manner.

5. No case of any error apparent on the face of the record is made out by the petitioner and accordingly, the review petition is dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)