

ITEM NO.20

COURT NO.5

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.34034/2026

[Arising out of impugned final judgment and order dated 20-08-2026 in WPMB No. 144/2026 passed by the High Court of Uttarakhand at Nainital]

KOTAK MAHINDRA BANK LIMITED

Petitioner(s)

VERSUS

CHAIRPERSON DEBTS RECOVERY APPELLATE
TRIBUNAL & ORS.

Respondent(s)

IA No. 294463/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 29-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRANFor Petitioner(s) :Mr. Amar Dave, Sr. Adv.
Mr. Pranav Sarthi- 3598, AOR
Mr. Vishal Bhardwaj, Adv.
Mr. Ayush Raj, Adv.
Mr. Udit Bajpai, Adv.For Respondent(s) :Mr. Shri Venkatesh, Adv.
Mr. Shryeshth Ramesh Sharma, Adv.
Mr. Soham Goswami, Adv.

Mr. Kunal Veer Chopra, Adv.
Mr. Sanyam Agarwal, Adv.
Mr. Farrukh Rasheed- 1993, AOR

Upon hearing the counsel, the Court made the following
O R D E R

The petitioner-Bank is aggrieved by the order passed by the High Court in a challenge to the order of the Debts Recovery Appellate Tribunal (DRAT).

2. The impugned order directed the petitioner-Bank to file a supplementary affidavit in three weeks, indicating how the original loan amount of Rs.32 lakhs has swelled to Rs.19 crores and odd, during the pendency of the suit. It was also directed that the Bank would comply with the direction relating to deposit of title deeds with the Debts Recovery Tribunal (DRT) as it is not disputed that the entire amount, as per the decree of the DRT and upheld by the DRAT, has already been deposited by the borrowers.

3. Learned Senior Counsel for the petitioner argued that the order prejudices the petitioner-Bank insofar as the DRAT has directed return of the title documents, which

are mortgaged to the petitioner-Bank. Insofar as the interest computed, it is asserted that the loan was pending for about 30 years, and even if simple interest is applied, it would run to Crores. The interest has to be applied as per the agreement, which also has penalty clauses, is the submission of the learned Senior Counsel for the petitioner-Bank.

4. Learned Counsel for the respondent appears and submits that the entire amount, as decreed by the DRT, has been paid by the respondent Nos.3-6/borrowers and hence, the direction to return the title deeds.

5. True, the DRT had adjudicated the claim and arrived at a figure which was challenged by the petitioner-Bank before the DRAT. The DRAT having affirmed the order of the DRT, the petitioner is before the High Court.

6. We are of the opinion that it would be premature to direct the release of the title deeds to the party respondents/borrowers. However, we do not think it proper to interfere with the direction of the High Court to furnish a Statement of Account through a supplementary affidavit justifying the outstanding amount and the

direction to deposit the title deeds before the DRT. We make it clear that on deposit of such title deeds, it shall not be returned to the respondent Nos.3-6/borrowers. The DRT shall await further order of the High Court and, if it is prejudicial to the petitioner-Bank, shall forbear during the period when the petitioner-Bank is entitled to challenge the said order.

7. With the above direction and modification, the Special Leave Petition stands disposed of without any observation on the merits of the matter.

8. Pending application(s), if any, shall stand rejected.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)