

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12264 OF 2026

Star Mining Infracon India Pvt. Ltd. and others ... Petitioners
Vs.
Bank of India ... Respondent

Mr. Ram Upadhyay a/w. Mr. Narayan Mishra i/b. Law Competere Consultus for
Petitioners.

Mr. Akshay Shetty i/b. AVC & Associates for Respondent No.1.

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

DATE : SEPTEMBER 16, 2026

P.C. :

. The petitioners in this petition are the borrowers and they have approached this Court by filing the present writ petition challenging an order dated 27.08.2026 passed by the Debts Recovery Tribunal-II, Mumbai (DRT-II), whereby Interim Application No.2104 of 2026 filed on their behalf in pending Securitisation Application No.196 of 2026 has been disposed of as infructuous.

2. The principal grievance of the petitioners is that there were other prayers in the said interim application, which have not been considered and the entire application has been erroneously disposed of.

3. The contesting respondent bank is represented by a counsel.

4. The petitioners could have filed an appeal before the Debts Recovery Appellate Tribunal (DRAT) if they were aggrieved by the impugned order dated 27.08.2026. But, the learned counsel for the petitioners is at pains to point out that principles of natural justice have been violated and that procedurally, the DRT-II has erred inasmuch as

prayer clauses (b) and (c) made in the said interim application have been completely ignored and the entire application has been disposed of as infructuous.

5. The learned counsel appearing for respondent bank has opposed the present writ petition, *inter alia*, on the ground of maintainability.

6. We have perused the impugned order dated 27.08.2026. It reads as follows:-

“ During hearing, Ld. Advocate for the Respondent Bank states that no bid has been received by the Respondent Bank in response to the auction scheduled on 25.08.2026, so, nothing survives in I.A.No.2104 of 2026 for Stay, filed by the Applicant.

The statement made by Ld. Advocate for the Respondent is accepted and shall act as an order of this Tribunal.

In view of the statement made by Ld. Advocate for the Respondent, I.A.No.2104 of 2026 stands disposed of being infructuous.

List this matter before Ld. Registrar on 25.11.2026 for filing reply to S.A.”

7. In the light of the submissions made on behalf of the petitioners, we have perused the contents of Interim Application No.2104 of 2026 filed on behalf of the petitioners before DRT-II. We find that vide prayer clause (a), a stay of notice of sale issued by the respondent bank was sought. Prayer clause (b) was concerned with a direction for restraining the respondent bank from taking physical possession of the secured asset, while prayer clause (c) was concerned with a direction to the bank to provide copies of certain documents. A perusal of the above-quoted impugned order dated 27.08.2026 shows that the DRT-II has disposed of the interim application as infructuous, focusing upon prayer clause (a) of the application concerning stay of the notice of sale. We find no error on the part of DRT-II inasmuch as the respondent itself made a statement

that not a single bid was received in response to the said sale notice on the date of auction.

8. Insofar as the prayer clauses (b) and (c) of the application being ignored by DRT-II, we are of the opinion that the petitioners can file a fresh application, if they so desire for reliefs in terms of prayer clauses (b) and (c) in Interim Application No.2104 of 2026 as and when the cause of action arises.

9. We are informed that as on today, application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 filed by the respondent bank is pending before the competent Magistrate. Therefore, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed.

10. However, liberty is reserved for the petitioners to file a fresh interim application in the pending securitisation application, if so advised, for seeking reliefs as claimed in prayer clauses (b) and (c) in Interim Application No.2104 of 2026, which stood disposed of by the impugned order.

11. If such an application is moved by the petitioners, DRT-II shall consider the same strictly in accordance with law, in an expeditious manner.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)