

Rajat Infrastructure Pvt. Ltd. .. Applicant

Rajat Infrastructure Pvt. Ltd. .. Petitioner

Union Bank of India & Ors. .. Respondent

M/s. Sunview Assets Pvt. Ltd. .. Petitioner

Rajat Infrastructure Pvt. Ltd. & Ors. .. Respondent

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Mr. Nainesh N. Amin for Respondent No.1.

Mr. Rohit Gupta with Mr. Vinod Kothari i/b M/s. Apex Law Partners for Respondent No.2.

Mr. Vinay Deshpande with Ms. Jyoti i/b M/s. V. Deshpande & Co. for Respondent No.6 in Writ Petition and for Petitioner in Review Petition No.156 of 2019.

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**CORAM: PRADEEP NANDRAJOG, C.J. &  
SMT. BHARATI DANGRE, J.**

**DATED : 16TH DECEMBER, 2019.**

**P.C:-**

1. The Writ Petition was filed pleading that on 11<sup>th</sup> November, 2019, learned DRT-I, Mumbai had passed an order refusing to interdict the proposed auction scheduled for 11<sup>th</sup> November, 2019 to invite bids in respect of property bearing No.7, Manoramaganj, AB Road, Indore bearing Khasara No.168 and 169 (New No.306 and 307 of Village Palasiahana, Indore).
2. It was pleaded in the Writ Petition that copy of the said order had not been supplied to the Petitioner and thus the Petitioner was handicapped in availing a remedy of appeal before the DRAT.
3. The Petition was disposed of on 25<sup>th</sup> November, 2019 noting that as of the said date, the Petitioner had been supplied with a copy of the order dated 11<sup>th</sup> November, 2019 passed by the DRT. It was observed that for filing Appeal under Section 21 of the SARFAESI Act, pre-deposit would not be necessary.

4. We correct the order dated 25<sup>th</sup> November, 2019 for the reason appeal lies under Section 18 of the SARFAESI Act and not under Section 21 of the SARFAESI Act.

5. The grievance in the Application No.1 of 2019 by the Applicant is that the appeal which has been filed before the DRAT has not been taken up for expeditious hearing.

6. In the Review Petition filed by Sunview Assets Pvt. Ltd., the grievance made is to the observation that the appeal would be required to be decided without a pre-deposit being made and learned counsel for the Review Petitioner intends to cite judgments that against orders passed by the DRT under SARFAESI Act, pre-deposit has to be made.

7. Suffice it to state that where a proposed sale notice is questioned with reference to the reserve price fixed and the argument takes the form of considering valuation report, such order, if challenged before DRAT, would not require any pre-deposit being made for the reason under the impugned order, no decree has been passed or liability fixed. It would depend on the nature of the order whether before the appeal thereagainst is entertained, should a pre-deposit be made.

8. Keeping in view the nature of the impugned order, it is

apparent that before learned DRAT, no pre-deposit has to be made. Thus, the Petition seeking review is dismissed and as regards Application No.1 of 2019, correcting the typographical error in the order dated 25<sup>th</sup> November, 2019 we dispose of the same directing learned DRAT to decide the issue of valuation quickly.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)