
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14959 OF 2023

M/s. Deep Motors Gallery & Ors.

...Petitioners

Versus

The RBL Bank Ltd. & Anr.

...Respondents

Mr. K.T. Babu i/b. Mr. P.V. Malik a/w. Mr. S.P. Borhade,
Advocates for Petitioners.

*Mr. Meghnath Navlani a/w. Mr. Suraj Singh, Advocates for
Respondents.*

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE: DECEMBER 07, 2023

P. C.

1. The above Writ Petition challenges the order passed by the DRAT dated 31st October, 2023 under which the Appeal filed by the Petitioners was dismissed for non-compliance of pre-deposit. Initially, by order dated 5th September, 2023 the Petitioners, as a condition precedent to entertain the Appeal under Section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short "**SARFAESI Act**"], directed

the Petitioners to deposit a sum of Rs.75 Lakhs. Rs.10 Lakhs was deposited on the same day and the balance of Rs.65 Lakhs was to be deposited in two equal installments. The 1st installment of Rs.32.50 Lakhs was to be deposited on or before 26th September, 2023 and the 2nd installment of Rs.32.50 Lakhs was to be deposited on or before 10th October, 2023. In other words, Rs.65 Lakhs was to be deposited within the aforesaid period.

2. The 1st installment of Rs.32.50 Lakhs and which was to be deposited by 26th September, 2023 was not fully complied with. Out of the 1st installment of Rs.32.50 Lakhs, only an amount of Rs.20 Lakhs was deposited. Despite this, the DRAT showed indulgence and extended the time to pay the balance amount of the 1st installment together with the 2nd installment of Rs.32.50 Lakh on 10th October, 2023. Despite this, the Appellant did not pay the entire amount on 10th October, 2023 and sought further time till 23rd October, 2023 to pay the entire balance of pre-deposit. This extension was partly granted whereby the Appellant was directed to deposit the entire balance by 20th October, 2023, failing which there would be no further extension and the Appeal would stand dismissed. Even this order was not complied with by the Petitioners. It is in these circumstances, that the DRAT dismissed the

Appeal filed by the Petitioners vide the impugned order dated 31st October, 2023.

3. Having heard the learned Counsel for the parties and after perusing the papers and proceedings in the Writ Petition, we find that enough indulgence was shown to the Petitioners to make the pre-deposit of Rs.75 Lakhs. Apart from the amount of Rs.42.50 Lakhs, nothing further has been deposited by the Petitioners. The Petitioners have today produced before us copies of certain Demand Drafts, which are annexed to the Petition and has sought further extension.

4. We are afraid it is now too late in the day to seek any further extension especially considering the indulgence already shown by the DRAT. We do not find anything perverse in the orders of the DRAT that require any interference by this Court under Article 226 and/or 227 of the Constitution of India. In these circumstances, the Writ Petition is dismissed. Purely out of mercy, we do not pass any order for costs.

5. We hasten to clarify that the Securitisation Application filed by Petitioners pending before the DRT, shall be decided on its own merits and in accordance with law.

6. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by
fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]