



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 243 OF 2025

Vinod Nimnath Sonar

Age : 50 years, Occu : Business,

R/o : 39, Mahada Colony, MIDC,

Jalgaon, Tal. & Dist. Jalgaon

.. Petitioner

Versus

1] The Authorized Officer,
Bank of Baroda, Visanji Nagar,
Jalgaon, Tal & Dist. Jalgaon

2] Mr. A.D. Joshi
Branch Manager, Bank of Baroda,
Visanji Nagar, Jalgaon, Tal & Dist. Jalgaon

3] Mr. Bade
Loan Officer, Bank of Baroda
Visanji Nagar, Jalgaon, Tal. & Dist. Jalgaon

4] Mukundrao Eknath Wani,
C/o Bank of Baroda, Visanji Nagar,
Jalgaon, Tal & Dist. Jalgaon

.. Respondents

...

Advocate for petitioner : Mr. Anuj A. Fulfagar

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 08 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

By invoking the powers under Article 226 of the Constitution of India, the petitioner is challenging the orders passed by the Debts Recovery Tribunal, Aurangabad in Misc. Civil Application no. 15 of 2012 dated 07-12-2012 and the one passed by the Debts Recovery Appellate Tribunal (**DRAT**) in Appeal no. 247 of 2016 dated

18-11-2024, thereby refusing to condone the delay of 459 days in filing the Securitisation Application (**SA**).

2. We have heard the learned advocate for the petitioner. He submits that he had entered into an agreement with the respondent – bank and availed loan of Rs.6,00,000/-, by mortgaging his property being survey no. 466/1 plot no. 4 admeasuring 317.125 square meters of Nageshwar colony, Jalgaon. The valuation of his property even in the year 2006 was more than Rs.8,00,000/-, still, he was merely sanctioned a loan of Rs.6,00,000/-. His account was designated as NPA on 09-08-2008 and notice under section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**SARFAESI Act**) was served upon him, demanding an amount of Rs.7,33,739/- together with interest. Subsequently, possession of the secured asset was taken over under section 14 and a sale notice was issued. He approached the bank and requested for concession for making repayment by way of installments but it was turned down. Subsequently, he consented for auctioning the secured asset which was worth more than Rs.35,00,000/- but the bank illegally sold it barely for Rs.4,28,000/-. Soon after he came to know about such undervalued sale, on 14-06-2011, he preferred Misc. Application seeking condonation of delay of 6 months and 2 days in filing the SA.

3. The learned advocate submits that both the tribunals have taken a pedantic view rather than a pragmatic one. Petitioner was not to gain anything by losing the property with such an undervaluation. Due to lack of knowledge, he could not file the SA in time. There was sufficient cause which had prevented him from filing the SA belatedly but the tribunals have not considered those and arbitrarily dismissed his Misc. Application seeking condonation of delay as also the appeal.

4. We have considered the submissions of the learned advocate for the petitioner and perused the papers.

5. At the outset, it is necessary to observe that though Misc. Application and even the writ petition mention about the circumstances which entitled the petitioner to file the SA, both are replete with the merits of his grievance, rather than making a genuine attempt to explain the delay. A bare look at the Misc. Application and the writ petition demonstrates that no cause much less sufficient to enable the tribunals to exercise the discretion find place.

6. As has been laid down in the matter of ***P.K. Ramchandran Vs. State of Kerala; (1997) 7 SCC 556***, though the law of limitation is harsh but it has to be applied with all its rigours. It lays down that the period of limitation cannot be extended on equitable grounds. Precisely, for this reason, we have observed earlier that the attempt of

the petitioner to address us on the merits of his SA, would not be relevant.

7. We find the observations of the DRAT quite appropriate to the effect that the petitioner in his application for condonation of delay, even put forth lack of knowledge of the procedural laws which could never have been a ground for condoning the delay. Even we cannot take exception to the observations to the effect that according to the stand of the petitioner, he was kept in dark by the bank having not disclosed about auction and his stand that there was delay in furnishing of documents to him was not acceptable.

8. Considering the fact that the petitioner is seeking this Court to exercise extraordinary power, in the absence of anything before us to demonstrate that the order of the tribunal is arbitrary or perverse, this Court cannot exercise and undertake any subjective scrutiny, more so, when the observations of the tribunal demonstrate that they have taken a plausible view. There is no illegality, perversity or arbitrariness in both the orders. There is no merit in the petition and it is liable to be dismissed at the threshold.

9. The writ petition is dismissed in *limine*.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/