

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.385 OF 2025

Renu Dogra .. Petitioner

Vs.

Union of India,
Through Ministry of Finance,
Department of Financial Services and Ors. .. Respondents

Mr. Subhash Jha with Mr. Siddarth Jha and Mr. Sumeet Upadhyay,
Advocates, i/by Law Global Advocates, for the Petitioner.

Mr. Aayush Kothari with Mr. Nikhil Rajani, Advocates, i/by V. Deshpande
& Co., for Respondent No.3.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 9TH JANUARY 2025.

PC. :

1. The petitioner has approached this Court raising a grievance that in T.S.A. No.7 of 2023 that was filed by the petitioner challenging an order dated on 31st March 2023 passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the prayer for interim relief was made on the basis of notice of possession dated 11th June 2024 in which it was stated that possession of the secured asset would be taken on 9th January 2025. However, on 7th January 2025, the learned Member of the Debts Recovery Tribunal-III merely observed that there was no urgency in the matter and adjourned the same. Since prayer for interim relief has not been considered and the petitioner apprehends losing possession today, this writ petition has been filed.

2. It is seen from the record that pursuant to the order dated 31st March 2023 passed by the learned Additional District Magistrate, Thane under Section 14 of the Act of 2002, steps for taking possession were taken with the issuance of a notice dated 11th June 2024. The date for taking possession was indicated as 9th January 2025. It is an admitted position that this notice was served on the petitioner on 19th December 2024. On 7th January 2025, the petitioner while challenging the order passed under Section 14 of the Act of 2002 prayed for interim relief in this context. Before the Tribunal it was urged by the learned counsel for respondent no.3 that the aforesaid notice had not been challenged and hence the Tribunal proceeded to observe that there was no urgency in the matter.

3. We find that when the order passed under Section 14 of the Act of 2002 was under challenge, it is obvious that the consequential steps taken to implement that order would be the cause to a party to seek interim relief. Since the Tribunal has not considered the prayer for interim relief on the ground that there is no specific challenge to the notice in question, we have entertained the writ petition in these peculiar facts as steps are being taken to dispossess the petitioner today. The interests of justice require indulgence to be exercised under Article 226 of the Constitution of India. In that view of the matter, the following directions would serve the ends of justice :-

- (a) To enable the petitioner to pursue the prayer for interim relief with regard to issuance of notice dated 11th June 2024, the date for taking possession which is scheduled today is deferred till 17th January 2025 at 12:00 Noon. No fresh notice would be required to be issued to the petitioner in this regard.
- (b) The petitioner is permitted to pursue her prayer for interim relief before the Debts Recovery Tribunal in the pending proceedings in view of the steps taken for taking over possession of the secured assets. If such prayer is made, the same shall be considered on its own merits and in accordance with law. The prayer for interim relief be considered prior to 17th January 2025.
- (c) In absence of any interim relief, if the respondent no.3 seeks any assistance on 17th January 2025, it is open for it to take appropriate steps.

4. Keeping all contentions of the parties open, the Writ Petition is disposed of. Parties to act on authenticated copy of this order.

5. The learned counsel for the parties to communicate this order to the Registrar, Debts Recovery Tribunal.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]