

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

WRIT PETITION NO.702 OF 2025

Vidya Sahakari Bank Ltd., Pune	]	
Through Authorized Officer :	]	
Mr. Mahesh Vaijanath Navangul	]	.. Petitioner

Versus

1. The Authorized Officer,	]	
Pegasus Assets Reconstruction Pvt. Ltd.	]	
2. Kuldeep Shriram Sapre	]	
3. Manisha Shriram Sapre	]	
4. Gayatri Swanand Dhawale	[	.. Respondents

Mr. S.S. Panchpora with Ms. N.S. Mahadik, Advocates for the Petitioner.
Mr. Mayank Samuel, Advocate, i/by Sirius Legal, for Respondent No.1.

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

DATE : 16TH JANUARY 2025.

PC. :

1. Heard learned counsel for the parties.
2. The challenge raised by the petitioner is to an interim order dated 9th January 2025 passed by the learned Chairperson, Debts Recovery Appellate Tribunal in Interim Application No.649/2024 (Stay) in Miscellaneous Appeal No.164/2024. By that order, a direction was issued in favour of the 1st respondent – Assignee to take over possession of the subject property and thereafter handover the same to the petitioner for management since the petitioner claims tenancy rights in the said

premises. This order has been passed in the appeal preferred by the petitioner raising a challenge to the order dated 12th July 2024 passed by the learned Presiding Officer, Debts Recovery Tribunal in Interim Application No.1541/2024 in Securitization Application (D) No.1514/2024. By that order, a similar arrangement was directed to be undertaken with a clarification that the petitioner would continue as agent of the Authorized Officer till the auction sale is conducted.

3. The learned counsel for the petitioner apprehends dispossession in the light of the impugned order dated 9th January 2025 and submits that its continuation in possession has not been directed as agent of the Authorized Officer.

4. It is seen that the proceedings before the Debts Recovery Appellate Tribunal have now been fixed on 28th January 2025 for further hearing. We may only observe that as ordered by the Debts Recovery Tribunal, the petitioner after handing over possession shall be put back in possession as agent of the Authorized Officer subject to outcome of the pending proceedings. The statement made on behalf of the learned counsel for the respondent no.1 that notice of fifteen days would be given prior to conducting any auction is recorded.

5. By clarifying that contentions of both the parties are open for being urged before the Debts Recovery Appellate Tribunal and by permitting

continuation in possession of the petitioner as agent of the Authorized Officer subject to further orders, the writ petition is disposed of.

6. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]