

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1371 OF 2025

M/s. SMG India Credit Company Ltd.
(Formerly Fullerton India Credit Co. Ltd.) .. Petitioner
Vs.
Pravin Narayan Soni and Anr. .. Respondents

Mr. Nitin Thakkar, Senior Advocate, with Mr. R.J. Singh, Advocates for the Petitioner.

Mr. Sarosh Bharucha with Mr. Nikhil Varma, Ms. Mahima Sharma and Mr. Prajwal B., Advocates, i/by Gollcis JVPD, for the Respondents.

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

DATE : 18TH FEBRUARY 2025.

PC. :

1. Heard learned counsel for the parties.
2. The challenge raised in this writ petition by the petitioner – a non-banking financial company, is to the order dated 18th December 2024 passed by the Debts Recovery Appellate Tribunal ('DRAT' for short), Mumbai in Interim Application No.861 of 2024 in Miscellaneous Appeal No.645 of 2024. By the said order the interim application taken out by the respondents-borrowers was disposed of by directing the petitioner to produce amount of Rs.1.40 crores before the Tribunal for being considered as part of pre-deposit amount and the respondents-borrowers are also directed to deposit further amount of Rs.42 lakhs towards pre-deposit. The Court is informed that the respondents-borrowers have deposited Rs.42 lakhs, as directed.

3. During pendency of this writ petition, the petitioner has moved draft amendment seeking to challenge a subsequent order dated 24th January 2025 which was passed by the DRAT in Interim Application No.65 of 2025 filed by the petitioner seeking two prayers. The first prayer was for modification of the present impugned order dated 18th December 2024 and the second alternative prayer is for extension of time to comply with the present impugned order. Perusal of the order dated 24th January 2025 indicates that the first prayer seeking modification was rejected without giving any reasons, however the second prayer seeking extension of time was granted. The draft amendment, as moved is allowed. Amendment be carried out during the course of the day. Re-verification is dispensed with.

4. Considering the fact that modification of the present impugned order dated 18th December 2024 was sought before DRAT and further considering that the said prayer for modification was rejected without giving any reasons, we find it appropriate to direct the Debts Recovery Appellate Tribunal to re-consider the first prayer in Interim Application No.65 of 2025 seeking modification of the present impugned order.

5. In view of the above, the Writ Petition is disposed of by passing the following order :

- (i) The Debts Recovery Appellate Tribunal, Mumbai is directed to re-consider first prayer in Interim Application No.65 of 2025 and pass appropriate order in accordance with law, by giving reasons.
- (ii) The challenge raised to the impugned order dated 18th December 2024 in this writ petition is not considered by this Court on merits and all contentions in that regard are kept open.
- (iii) The extension granted under order dated 24th January

2025 is further extended for a period of four weeks, within which the Debts Recovery Appellate Tribunal shall consider and decide the first prayer made in Interim Application No.65 of 2025.

- (iv) Learned counsel for the petitioner states on instructions, that the petitioner will not take further action against the respondents-borrowers under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 till expiry of one week from the date of decision on first prayer of Interim Application No.65 of 2025. Statement is accepted.

6. Writ petition is disposed of in above terms with no order as to costs. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]