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

WRIT PETITION NO. 2698 OF 2025

RVS Global Solutions Pvt Ltd.

... Petitioner

Versus

Union of India and ors.

.... Respondents

Mr.Siddharth Jha a/w Mr.Sumeet Upadhyay i/b Law Global, for the Petitioner.

Ms.Purnima Awasthi, for Respondent No.1.

Mr. Pankaj Sawant, Senior Advocate a/w Mr.Shreyas Lavekar & Mr.Mr. Murtaza Kachawalla i/b Argus Partners, for Respondent No.2.

Ms. Siddha Pamecha a/w Mr. Raj Dani & Ms. Kajal Naidu i/b Thodur Law Associates, for the Respondent No.3.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 01st AUGUST 2025

P.C. :

1. Heard learned counsel for the petitioner. The petitioner is an auction purchaser. Respondent no.4 is the borrower. The account of the respondent no.4-borrower with the respondent no.3 had become Non-Performing Asset on 31/10/2018. According to learned counsel for the petitioner, respondent no.2 is tenant in respect of the suit property. Shri Sawant, learned Senior Counsel

for the respondent no. 2 submits that respondent no. 2 is in occupation of the suit property much prior to the mortgage deed which the borrower executed in favour of the bank. It is pointed out that respondent no. 2 had filed RCS Suit No. 17 of 2021 before the Court of Joint Civil Judge, Junior Division, Peth-Vadgaon. Vide order dated 03/02/2025, the trial Court directed the parties to maintain status-quo. It is therefore submitted by learned Senior Advocate that present petition is not maintainable.

2. Learned counsel for the petitioner invited our attention to the reliefs prayed for in this petition. The same are reproduced as under :

“(a) that this Hon'ble Court may be pleased to call for the records and proceedings concerning Regular Civil Suit No. 17 of 2021 from the court of the Ld. IInd Joint Civil Judge (Junior Division), Peth-Vadgaon, Kolhapur and after examining the legality, validity and/or propriety of the suit having been filed by Shri Dinesh Sharad Dhekne in the name of Bharat Petroleum Corporation Limited may be pleased to quash and set aside the same and so also all the orders passed in the said suit and/or ancillary proceedings connected therewith;

(b) that this Hon'ble Court may be pleased to direct the Respondent Nos. 1 and 2 to frame some strict guidelines for being followed that in case any legal proceeding is to be initiated/instituted and/or defended by an institution which is a State within the meaning of Article 12 of the Constitution of India, then it has to be backed by approval taken at the senior most level so as to avoid possibility of a collusive proceeding being initiated in any court of law with oblique and ulterior motive of prolonging and/or protracting legal proceeding and/or to enure benefit thereof to the person concerned;

(c) that this Hon'ble Court may be pleased to direct the Respondent Nos. 1 and 2 to institute an enquiry as against Shri Dinesh Sharad Dhekne, Territory Manager of Bharat Petroleum Corporation Limited in instituting Regular Civil Suit No. 17 of 2021 in the court of the Ld. IInd Joint Civil Judge (Junior Division), Peth-Vadgaon, Kolhapur and such enquiry be directed to be completed within such reasonable time and a report of such enquiry be directed to be placed before this Hon'ble Court so as to enable this court to pass such appropriate further order as may be deemed appropriate after perusal of report of such enquiry/investigation;

(d) pending the hearing and final disposal of the present petition, this Hon'ble Court may be pleased to stay all further proceedings concerning Regular Civil Suit No. 17 of 2021, pending in the court of Ld. IInd Joint Civil Judge (Junior Division), Peth-Vadgaon, Kolhapur and all orders passed therein, including the order dated 3rd February, 2025, passed by the Ld. Joint Civil Judge (Junior division), Peth-Vadgaon, Kolhapur, being Exhibit-'L' annexed herewith;

(e) interim and ad-interim relief in terms of prayer clause (d) above be granted;

(f) any other further order and/or direction be given as the nature and circumstances of the case may require.”

3. Learned counsel for the petitioner submitted that pursuant to the steps taken by the Bank for recovery of the outstanding amount, the secured asset came to be auctioned. The petitioner is successful auction purchaser and is being deprived of the fruits of the auction only because of the illegal order passed by the trial Court dated 03/02/2025 which is without jurisdiction. It is submitted that the present writ petition under Article 226 of the Constitution of India is maintainable as the order passed by the trial Court is completely without jurisdiction, nonest and against

the provisions of Sections 34 and 35 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI', for short). It is further submitted that the petitioner is not even made a party to the Suit which is filed by the respondent no.2 before the trial Court which according to learned counsel is a collusive suit between the respondent no.2 and respondent no.4 -borrower.

4. We are not inclined to exercise discretion in favour of the petitioner as submitted by learned counsel for the petitioner. The suit before the trial Court is pending and we find from the order that the trial Court has directed the parties to maintain status-quo till the next date. Learned counsel for the petitioner makes a grievance that trial Court is simply adjourning the matter and not deciding the application-Exhibit 5 for interim reliefs while continuing the status-quo granted vide Exhibit 30. In our view, it is open for the petitioner to make an appropriate application for impleadment before the trial Court. Learned Senior Advocate for the respondent no.2 submits that in the suit, the petitioner will be impleaded as a party defendant no.3. The necessary amendment to be carried out within a period of 2 weeks from today.

5. It is open for the petitioner to raise the objection as regards the jurisdiction of the trial Court to try the suit in view of the provisions of the SARFAESI Act. It is further open for the petitioner to challenge the order dated 03/02/2025 before the appropriate forum by invoking appropriate remedy available in terms of the provisions of the Civil Procedure Code.

6. If the objection to the jurisdiction of the trial Court is raised or an application is made by the petitioner for vacating the interim order, we direct the trial Court in the facts of the present case, to decide such application as expeditiously as possible and in any case, within a period of 6 weeks from the date of making of the application. The trial Court to decide the Exhibit 5 application expeditiously.

7. The petitioner, respondent no.2 as well as respondent no.3-Bank to co-operate with the trial Court for the expeditious disposal of the Exhibit 5 application and shall not take unnecessary adjournments. This is over and above the remedy that the petitioner may invoke challenging the interim order dated 03/02/2025 passed by the trial Court.

8. Keeping all contentions of all the parties open, the writ petition is disposed of.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)