



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

WRIT PETITION NO.10416 OF 2025

Ali Agha Namazi ..Petitioner
vs.
State of Maharashtra and ors. ..Respondents

Adv. Mandar Soman a/w Adv. Tejaswi Nanche i/b. Adv. Pranay Juvekar, for the Petitioner.

Mr. N. C. Walimbe, Addl. G.P. a/w Mr. S. P. Kamble, AGP, for Respondent No.1-State.

Mr. T. N. Tripathi a/w Ms. Somya i/b. T. N. Tripathi & Co., for Respondent No.2.

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

DATE : 28th JULY, 2025

P.C. :

1. Heard learned counsel for the parties.
2. The DRT dismissed the Securitisation Application filed by the Petitioner on 11th February 2025. The Appeal was preferred before the DRAT by the Petitioner only on 24th July 2025.
3. Learned counsel for the Respondent-Bank vehemently opposed the Petition submitting that the Appeal filed before the DRAT is belated and the application for

condonation of delay is pending. It is submitted that the Appeal is filed belatedly only with a view to avoid the consequences of the order passed by the DRT. It is further submitted that the remedy of an Appeal is availed of whereunder an application for condonation of delay is made. Further there are some office objections because of which the DRAT did not list the Petition, the fault is entirely of the Petitioner and hence disentitled to invoke the jurisdiction of this Court under Article 226 of the Constitution of India and seek any reliefs. It is vehemently submitted by the learned counsel for the Respondent that the Petition be dismissed as this Petition suffers from delay and laches. The conduct of the Petitioner disentitles him from any reliefs.

4. We do see some substance in the submissions made by the learned counsel for the Respondent. However, we refrain from expressing any opinion as the Appeal is pending before the DRAT and even the application for condonation of delay is pending. It is submitted by learned counsel for the Petitioner that even an application for waiver

of the deposit has been made before the DRAT. These are the matters which the DRAT will have to consider.

5. Suffice it to observe that the outstanding dues of the Petitioner are Rs.41,05,959/-. Learned counsel for the Petitioner submitted that 15% of the outstanding amount was already deposited on the previous occasion. On instructions of the Petitioner who is personally present in the Court, learned counsel for the Petitioner submitted that within a period of one week from today a sum of Rs.5,00,000/- will be deposited with the Respondent-Bank. A further sum of Rs.5,00,000/- will be deposited within a period of three weeks from today. It is undertaken that a further sum of Rs.2,50,000/- lakhs will be deposited within a period of four weeks from today. Thus, it is stated by the learned counsel for the Petitioner on instructions of the Petitioner in person that a sum of Rs.12,50,000/- lakhs will be deposited with the Respondent-Bank within a period of four weeks from today in the aforesaid manner. This deposit is without prejudice to the rights and contentions of either of the parties before the DRAT. The DRAT to proceed

with the matter on its own merits without being influenced by any of the observations made by us in this Petition. In the interest of justice and in the light of the statements made by the learned counsel for the Petitioner, for a period of six weeks from today, the possession of the Petitioner not to be disturbed. It is made clear that if the undertaking is not honoured then in that case it is open for the Bank to seek the recovery of the possession and the Revenue Authorities will co-operate.

6. The Writ Petition is disposed of keeping all contentions open.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)