



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

WRIT PETITION NO.10752 OF 2025

Cholamandalam Investment Finance
Company Limited ..Petitioner
vs.
Nitin Vasant Modak and ors. ..Respondents

Adv. Mandar Soman a/w Adv. Sanjay Anabhawane, Adv.
Tejaswi Nanche i/b. Adv, Medha Rane, for the Petitioner.

Adv. Charles De Souza a/w Adv. Preeti Barde, for Respondent
No.1.

Adv. Mohamedali M. Chunawala, for Respondent No.5.

Adv. Kshitija Khangte a/w Adv. Yogesh Hari Jare, for
Respondent Nos.6 and 7.

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

DATE : 5th AUGUST, 2025

P.C. :

- 1.** Heard learned counsel for the parties.
- 2.** Learned counsel for the Petitioner invited our attention to the order dated 6th May 2025 passed by this Court in Writ Petition No.6066 of 2025. The order reads thus :-

"1. It is informed that Interim Application No.971 of 2025 in Securitisation Application No.95 of 2022 (Nitin Vasant Modak Vs. Authorized Officer, M/s.

Cholamandalam Investment & Fiance Co. Ltd. and Ors.) is listed today before the learned in-charge Presiding Officer, Debts Recovery Tribunal.

2. In case the petitioner makes a request for expeditious adjudication of the said interim application, the same be considered in the light of the facts of the case. Keeping all points on merits open, the writ petition is disposed of.”

3. The Interim Application is filed by the Respondent challenging the auction sale. The interim order has been passed by the Tribunal directing that the auction sale should not be confirmed. This according to the learned counsel for the Petitioner is prejudicial to their interest as the same is passed without recording any reason. Further submissions have been made regarding the orders passed by the DRT. However, we refrain from expressing any opinion on the submissions as Interim Application No.971 of 2025 in S.A. No.95 of 2022 is pending.

4. Learned counsel for the Respondent No.1 has submitted that the Petitioner is not co-operating with the DRT as regards the other Interim Applications which the Tribunal has directed to be heard together. We are of the view that in the facts and circumstances of the present case and considering that an order dated 6th May 2025 was

already passed, Interim Application No.971 of 2025 can be decided expeditiously preferably on the next date which is 21st August 2025 or in any event within a period of six weeks from today. The Petitioner as well as Respondent No.1 to co-operate with the DRT in the expeditious disposal of the applications.

5. Needless to mention that it is open for the DRT to pass appropriate orders in the other pending Interim Applications in accordance with law.

6. The Writ Petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)