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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11214 OF 2025**

Nitin Vasant Modak

...Petitioner

Versus

M/s. Chola mandalam Investment and Finance ...Respondents
Co. Ltd. and Ors.

Mr Charles D'Souza with Preeti Barde for the Petitioner.
Mr Mandar Soman with Sanjay Anabhawane with Tejaswi Nanche
i/b Medha Rane, for Respondent No.1

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 21ST AUGUST 2025.

PC:-

1. Heard Mr. D'Souza, learned Counsel for the Applicant and Mr. Soman, learned Counsel for the Respondent No.1.

2. This Application has been filed seeking an order for joint hearing and disposal of three Applications, namely, Interim Application No. 971 of 2025, Interim Application No. 2729 of 2024 and Interim Application No. 3132 of 2024, arising out of Securitisation Application No. 95 of 2022 which are pending disposal before DRT-III, Mumbai. It appears that by the order dated 13th May 2025, the learned DRT had earlier passed an order providing that all the three abovementioned Applications will be heard and disposed of simultaneously for which the Respondent therein was also directed to file the reply. Notwithstanding the same, there was resistance on the part of the Respondent for joint

consideration of the three Applications. The contention of the Respondent is that Interim Application No. 971 of 2025, is required to be heard first in point of time and disposed of before the other two Applications can be considered. The above controversy was brought before this Court by the parties whereby, order dated 5th August, 2025 was passed by a Co-ordinate Bench (Coram : M. S. Karnik and N. R. Borkar, JJ.,) providing for expeditious disposal of the applications. The operative part of the order read thus :-

“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.”

3. Today, when the matter is called up, the learned Counsel for the Applicant submits that although the matters are fixed before the learned DRT on 29th August, 2025 yet, notwithstanding the

order dated 5th August, 2025, the Applicant apprehends that the Respondents would obstruct the joint hearing of three Applications thus, causing serious prejudice to the interest of the Applicants.

4. Mr. Soman, learned Counsel for the Respondents has submitted that it is for the learned DRT to decide as to how the matter will be heard. However, according to him there is no direction from this Court to jointly hear the applications. After going through the order dated 5th August 2025, we are unable to agree with such submissions of Mr. Soman. It appears that there is a clear direction from this Court to take up the matters together. That apart, by the order dated 15th May 2025, the learned DRT has also provided that the three applications will be taken up together.

5. It is no doubt correct that it will be open for the learned DRT to decide as to in what manner, the three applications are to be taken up and we do not wish to make any observations in that regard. However, having regard to the facts and circumstances of the case and the earlier order(s) passed by this Court as well as the learned DRT, as noted above, the Respondents cannot oppose the plea of the Applicant to take up the three applications for simultaneous hearing and disposal. By clarifying the matter as above, we dispose of the Writ Petition with a request to the learned DRT to proceed with the matters in accordance with law and dispose of the Applications as expeditiously as possible.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)