

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

WRIT PETITION NO. 16473 OF 2025

Hinduja Leyland Finance Ltd.

.....Petitioner

V/s

Union of India & Anr.

....Respondents

Mr. Mandar Soman a/w Mr. Sanjay Anabhawane and Mr. Prafull Chipte for the Petitioner.

Mr. Mohamedali M. Chunawala for the Respondent No. 1

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 17th DECEMBER 2025

ORDER:

1. The present Writ Petition challenges an order dated 18th November 2025 passed by the Presiding Officer, DRT-II, Mumbai in I.A. No. 2462 of 2025 in S.A. No. 205 of 2025.

2. I.A. No. 2462 of 2025 was taken out by the Original Applicant/Respondent No. 2 herein seeking to restrain the bank from taking physical possession of the secured assets being combined office premises No. 224 and 225, situated at 2nd Floor, Nav Vyapar Bhavan Premises Chsl 49, P D Mello Road, Carnac Bunder, Princess Dock Division, Masjid Bunder (East),

Mumbai – 400 009 that was scheduled on 18th November 2025 pursuant to the notice dated 30th October 2025. By the impugned order dated 18th November 2025, the said I.A. was allowed and the bank was restrained from taking possession of the secured asset. A perusal of Paragraph-6 of the impugned order would reveal that the main reason which prompted DRT-II into passing the order in favour of the Applicants/Original Respondent No. 2 herein was that there was a CIRP that was in continuation.

3. Mr. Soman, who appears on behalf of the Petitioner invites our attention to the said I.A. and in particular Paragraph - 5.20 thereof which clearly states that pursuant to the order dated 6th May 2024, the CIRP of the Applicant was closed/withdrawn and the moratorium was removed.

4. In such premises, when there is a pleaded case of the Applicant of there being no moratorium in place, we fail to see how the impugned order could have been passed on the basis of such a moratorium.

5. Mr. Soman tenders an Affidavit-of-Service of today's date showing that Respondent No. 2 was served through e-mail. He submits that, when his attorney tried to serve Respondent No. 2 physically, they were unable to do so since the address was not found. Despite this service through e-mail, none appears for Respondent No. 2 today.

6. We place this matter on 23rd December 2025 on the supplementary board and we make it clear that if Respondent No. 2 chooses not to remain present on the said date, we will hear and dispose of the Writ Petition in their absence.

7. Notice of this order and listing on 23rd December 2025 shall be given to Respondent No. 2 by the Advocate for the Petitioner. They shall file an Affidavit-of-service to that effect on or before the next date.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

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by JYOTI
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Shubham G.
908. WP 16473-2025 dt. 17.12.2025