2026:BHC-AUG:18676

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4757 OF 2025

M/S. VENKATESH ALIED SOLUTION CO., THROUGH ITS PROPRIETOR SANTOSH VENKATRAO SINGAPURE
VERSUS
THE AUTHORIZED OFFICER, RAJENDRA SING AND OTHERS
...
Mr. Tukaram M. Venjane, Advocate for the Petitioner
...

CORAM : NITIN B. SURYAWANSHI AND VAISHALI PATIL JADHAV, JJ.

DATE : 21st APRIL, 2026

PER COURT :

1. This petition challenges the order dated 18/12/2024, passed by the Chairperson, Debts Recovery Appellate Tribunal, Mumbai in Misc. Appeal No.155/2022.

2. On 01/05/2017, petitioner preferred Securitization Application (Diary) No.9246/2017 before the Debts Recovery Tribunal, challenging the sale certificate dated 15/03/2017. Along with the said application, Misc. Application No.14/2017 was filed seeking condonation of one day’s delay. The said delay condonation application was dismissed by the Debts Recovery Tribunal on 16/03/2021. Petitioner, thereafter filed Misc. Appeal No.155/2022 challenging the order refusing to condone the delay. The Debts Recovery Appellate Tribunal, by the impugned order has dismissed the appeal holding that there is no reason to interfere with the order dated 16/03/2021.

3. Learned advocate for petitioner submits that only one day’s delay was there which ought to have been condoned in the facts of the present case. Before confirmation of sale, petitioner has deposited 70% of the loan amount and in the Debts Recovery Tribunal he has deposited Rs.5 Lakhs. According to him, valuable property of the petitioner is sold at a through away price, which has caused serious prejudice to him. He submits that before the Appellate Tribunal argument was advanced only on the point of delay and not on the merits of the matter. However, the Tribunal has erroneously rejected the appeal by taking into consideration the merits of the matter.

4. It appears from record that the symbolic possession of the assets of petitioner was taken on 01/12/2016 and the same was published in Lokmat newspaper on 04/12/2016. Physical possession of the petitioner’s properties was taken on 27/02/2017 and auction sale was fixed on 28/02/2017. The sale was confirmed on 15/03/2017. Respondent bank has handed over demand draft of Rs.6,25,000/- which was for excess amount received in the sale, to the petitioner on 06/04/2017. The same was accepted by the petitioner. Hence, contention of the petitioner that he came to know about sale only on 26/04/2017 cannot be accepted. Therefore, the Debts Recovery Tribunal has rightly rejected the delay condonation application filed by petitioner on 01/05/2017.

5. In ***Celir LLP Vs. Mr. Sumati Prasad Bafna and Others,*** reported in ***2024 INSC 978***, the Apex Court has held that sale cannot be set aside on the grounds which are frivolous except on very limited grounds like fraud. It is also held that the purpose of open auction is to get the most remunerative price and as such the Courts shall exercise their discretion to interfere where the auction suffers from any fraud or inadequate consideration or interpreting that too with circumspection keeping in view the facts of each case. Admittedly, petitioner has not raised any objection regarding the inadequacy of price in the instant case at any time before the sale. In this view of the matter, even on merits the petitioner has no case.

6. The Debts Recovery Tribunal as well as the Appellate Tribunal have rightly exercised their discretion while rejecting the delay condonation application of the petitioner by assigning cogent reasons. No error of jurisdiction or law is committed by both the Tribunals. No case is made out by the petitioner to interfere with the impugned order in exercise of extraordinary writ jurisdiction. Writ petition being devoid of merit, is dismissed.

(VAISHALI PATIL JADHAV, J.) **(NITIN B. SURYAWANSHI, J.)**