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

## WRIT PETITION NO. 12903 OF 2026

Mohanbhai Narsinghbhai Chaudhary ... Petitioner
Versus
Debts Recovery Appellate Tribunal,
Mumbai & Ors. ... Respondents

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Mr. Prashant J. Pandit a/w Mr. Jay Pandit for Petitioner.
Ms. Asha Bhuta a/w Ms. Priyanka Chaurasia i/by Bhuta & Associates for Respondent No.2.

BIPIN DHARMENDER PRITHIANI
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CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.

DATE : 7th OCTOBER 2026

P.C. :

. Heard learned counsel for the petitioner. Since advance copy was served upon contesting respondent No.2-bank, it is represented by Counsel.

2. The subject matter of challenge in this writ petition is order dated 21st August 2026 passed by the Debts Recovery Appellate Tribunal (DRAT), whereby reply affidavit of the respondent No.2-bank has been taken on record, subject to payment of costs of Rs.20,000/- to the Debts Recovery Tribunal Bar Association, Mumbai.

3. The learned counsel for the petitioner vehemently submits that reply affidavit of the respondent-bank was sought to be placed

on record after delay of 366 days and the DRAT ought not to have condoned delay in a mechanical manner in the impugned order. Relying upon Rule 14 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994 (DRAT Rules), it was asserted that the reply affidavit ought to have been filed within one month from the date of service of notice and the memorandum of appeal. It was emphasized that the respondent-bank was put to notice and it chose not to file reply within the aforesaid period of 30 days and an attempt was made after delay of 366 days to file the reply affidavit. This was strongly opposed by the petitioner and yet, in a most casual and cavalier manner, the DRAT proceeded to allow the respondent-bank to place its reply affidavit on record, subject to payment of costs.

4. It is submitted that the aforesaid approach of the DRAT is in the teeth of the settled position of law.

5. Having heard the learned counsel appearing for the petitioner and the respondent No.2-bank, we are of the opinion that once the DRAT has taken a view in the matter and permitted the respondent No.2-bank to file its reply affidavit, subject to payment of costs, which costs admittedly have been paid, as a Court exercising writ jurisdiction, this Court is not inclined to interfere with the impugned order.

6. The only consequence of the impugned order is that the reply affidavit of the respondent No.2-bank has come on record in the appeal proceedings. The drastic consequence of reply affidavit

not being on record would be that the claims made by the petitioner, who is the appellant before the DRAT, would go uncontroverted. In other words, all that the petitioner faces, as a consequence of the impugned order, is a contest on merits before the DRAT. No prejudice is caused to the petitioner. Hence, we decline to exercise writ jurisdiction in the facts and circumstances of the present case.

7. The writ petition is dismissed.

8. The DRAT is directed to decide the pending appeal expeditiously.

9. It is made clear that this Court has not expressed any opinion on the merits of the matter and all rights and contentions of the parties on merits are kept open.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)