

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

WRIT PETITION NO. 11748 OF 2025

Sharad Ashok Agrawal	...	Petitioner
Versus		
Chief Manager and Authorised Officer		
Canara Bank & Ors.	...	Respondents

Mr. Abhinav A. Bhatkar for the Petitioner.
Adv. Richika Kadam i/by Little & Co. for Respondent No.4.
Ms. G. R. Raghuwanshi, AGP for Respondent-State.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 9th FEBRUARY 2026

P.C. :

. The record shows that in this petition on 10th September 2025, the following order was passed :

“1. By this Writ Petition, the Petitioner is seeking quashing and setting aside the orders dated 3rd July 2025 the 4th August 2025 passed by the DRAT in M.A. (D) 987 of 2025 and I.A. No. 634 of 2024 in SA. No. 252 of 2025.

2. Issue notice to the Respondent Nos. 4, 5, 6, 7 and 8, returnable on 29th September 2025.”

2. On the said date, the learned AGP had waived notice on behalf of respondent Nos.6 and 7 i.e. the District Collector, Pune and the Naib Tehsildar.

3. The documents show that an affidavit of service dated 10th

September 2025 is on record, wherein the petitioner has stated that respondent Nos.2 and 3 i.e. the original borrowers were also served through courier and copy of the tracking report is placed on record.

4. But, there is nothing in the above quoted order dated 10th September 2025 passed by Division Bench of this Court (Coram: R. I. Chagla and Farhan P. Dubash, JJ.), indicating that the Bench was satisfied upon perusing the affidavit of service to the effect that respondent Nos.2 and 3 i.e. the borrowers were duly served and that therefore, there was no necessity of issuing notice through the Court to the said respondents.

5. The office note shows that spare copies were not supplied, even for service upon respondent Nos.4 to 8. But, reference is made to an affidavit of service dated 9th October 2025, wherein the petitioner has stated that respondent Nos.4 to 8 were served through private service, by means of courier, email and WhatsApp.

6. We are of the opinion that since respondent Nos.2 and 3, being the original borrowers, are the affected parties, if at all this Court agrees with the petitioner and sets aside the impugned order dated 3rd July 2025, specific notice ought to be issued to them before finally disposing of the writ petition.

7. It is to be noted that according to the petitioner (auction purchaser), the impugned order dated 3rd July 2025 is unsustainable as it is in the teeth of the second proviso to Section

18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). *Prima facie*, we are of the opinion that there is substance in the contention raised on behalf of the petitioner, although it is surprising that the respondent No.1-Bank has not challenged the impugned order.

8. Be that as it may, it would be appropriate that specific notice is issued to respondent Nos.2 and 3 in view of the observations made hereinabove.

9. Accordingly, issue notice to respondent Nos.2 and 3 for final disposal, returnable on 5th March 2026, to be included at the bottom of the supplementary list.

10. Ms. Raghuwanshi, learned AGP has appeared on behalf of respondent Nos.6 and 7, while Ms. Kadam, learned counsel has appeared for respondent No.4.

11. Additionally, the petitioner is at permitted to serve respondent Nos.2 and 3 by way of private service and to file an affidavit of service before the next date of listing.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)