

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15177 OF 2025

Irfan Nisar Ahmed Khatri .. Petitioner

V/s.

UCO Bank Asset Management Branch .. Respondents
and Ors

WITH

INTERIM APPLICATION NO. 1719 OF 2026

IN

WRIT PETITION NO. 15177 OF 2025

Irfan Nisar Ahmed Khatri .. Petitioner

V/s.

UCO Bank Asset Management Branch .. Respondents
and Ors

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Mr. Sidharth Samantaray, a/w Mr. Niket Harit, i/b Mr. Manoj Harit & Co., for
the Petitioner.

Adv. Hafeezur Rahman, for Respondent Nos. 1 and 2.

Ms. Tanu N. Bhatia, AGP for Respondent No. 3 - State.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 13TH MARCH 2026.

PC:

1. In this petition, the petitioner was constrained to file an application for amendment bearing Interim Application No. 1719 of 2026, to place on record certain subsequent events. But, when the application along with the writ petition is called out for consideration today, learned counsel for the petitioner submits that further facts have been very recently revealed to the

petitioner, which go to the very root of the matter and the same need to be brought on record.

2. It is submitted that the stated stance of the respondent bank, i.e. secured creditor in this writ petition is that no further steps can be taken in the matter as a subsequent auction fixed by the respondent bank was interdicted by a moratorium.

3. According to the petitioner, the application that had triggered the moratorium as claimed by the respondent bank stood extinguished by an order dated 07/01/2026 of the National Company Law Tribunal, Mumbai (NCLT) as the application before the NCLT itself was dismissed as withdrawn.

4. But, a surprising fact is brought to the notice of this Court by the learned counsel for the petitioner, by stating that it has come to light very recently that the respondent bank (secured creditor) itself had moved the NCLT, as far back as on 16/07/2025, by filing an application under Section 95 of the Insolvency and Bankruptcy Code, 2016 (IBC), thereby indicating that the moratorium was triggered at the behest of the respondent bank itself. If that be so, the auction notice issued by the respondent bank on 05/07/2025 itself should not have been issued and the auction should not have been conducted. In this situation, the petitioner submits that the action of the respondent bank in forfeiting the initial amount deposited by the

petitioner is all the more egregious and all these facts need to be placed on record.

5. In view of the above, we permit the petitioner to withdraw Interim Application No. 1719 of 2026 seeking amendment, with liberty to file a fresh application for amendment to comprehensively amend the writ petition in the light of the aforesaid facts brought to the notice of this Court.

6. List for further consideration on 24th March 2026, 'High on Board.'

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)