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

WRIT PETITION NO. 15640 OF 2025

Jasraj Restaurants Pvt Ltd. and Ors.

...Petitioners

Versus

Union of India Thru. Ministry and Ors.

...Respondents

Mr. Rohan Cama a/w Ms. Janvhi Joshi a/w Ms. Vijyavati Jaiswar i/b Manmohan Rao for the Petitioners.

Mr. Mohamedali M. Chunawala i/b A.A. Ansari for Respondent No.1-UOI.

Ms. Savita Nangare a/w Mr. Vinod Nagula and Ms. Disha Shah i/b Law Focus for Respondent No.2.

Mr. Suresh Sabrad a/w Mr. Yuvraj Patil, Mr. Mukesh D., Ms. Neha Parte and Mr. Pratik Sabrad for Respondent Nos. 3 and 4.

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

DATE: 21st JANUARY 2026.

P.C.

1. Heard Learned Counsel appearing for the Petitioners as well as the contesting Respondent Nos. 3 and 4 as also Learned Counsel appearing for Respondent No.2/Bank.

2. The present Petition challenges order passed by the Debts Recovery Appellate Tribunal (DRAT) allowing Miscellaneous Appeals filed by Respondent Nos. 3 and 4 (Original Borrowers), as a consequence of which the amendments sought to be made in the original Securitization Application pending before the Debts Recovery Tribunal (DRT) stood allowed.

3. The documents on record show that Respondent Nos. 3 and 4 filed the Securitization Application on 11th August 2021 after the sale certificate

dated 26th July 2021 was issued in favour of the Petitioners. Various grounds of challenges have been raised in the pending Securitization Application and by way of amendment the Petitioners have been added as party Respondents and certain other facts and grounds have been raised in the Securitization Application.

4. After some arguments, Learned Counsel for the Petitioners submitted on instructions that since the amendments have been already carried out by the Respondent Nos. 3 and 4 in pursuance of the impugned order dated 22nd September 2025 and the Petitioners are really interested in expeditious disposal of the pending Securitization Application before the DRT, this Court may consider disposing of this Petition with specific directions to the DRT, which would ensure that the Securitization Application itself is disposed of on merits at the earliest.

5. It is further submitted that in this Writ Petition prayer clause (d) has been raised for a direction to the Respondent Nos. 3 and 4 to hand over possession of the subject property. In that light, it is submitted that this Court may only clarify that there is no interim order operating in favour of Respondent Nos.3 and 4, that would prevent the Respondent No.2/Bank from proceeding in accordance with law particularly in the light of the order dated 2nd February 2022 passed by the competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). It is submitted that the aforesaid clarification would suffice.

6. Learned Counsel for Respondent Nos. 3 and 4 submits that upon the amendment having been carried out, the said Respondents are ready to co-operate with the DRT for expeditious disposal of the pending Securitization Application and that it was never the intention of the said Respondents to delay the proceedings before the DRT. It is submitted that this Court may issue appropriate directions for expeditious disposal of the pending Securitization Application.

7. In view of the above, the Writ Petition is disposed of in the following manner :

(a) The impugned order dated 22nd September 2025 is not interfered with, particularly in the light of the fact that the amendments have been already carried out in the original Securitization Application pending before the DRT.

(b) The Petitioners and Respondent No.2/Bank are permitted to respond to the amended pleadings in the Securitization Application before the DRT within one week from today.

(c) The DRT shall take up the pending Transfer Securitization Application No. 23 of 2023 for hearing and disposal at the earliest. The DRT shall take up Interim Application No. 920 of 2022 filed in the said Securitization Application also for consideration and disposal alongwith the main Application. In any case, the DRT shall dispose of

the said proceedings on merits, on or before 26th February 2026.

8. It is made clear that the parties shall co-operate with the DRT for disposal within the aforesaid time period.
9. Having considered the documents and material on record we find that there is no interim order operating in the pending Securitization Application.
10. Writ Petition is disposed of in the above terms. Pending Applications, if any, stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)