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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2497 OF 2026

Parvesh Construction Pvt Ltd

...Petitioner

Versus

TJSB Sahakari Bank Ltd & Ors

...Respondents

Adv. Jay Choksi i/b. Adv. S. K. Saxena for the Petitioner.

Adv. Nikhil Rajani (Through VC) i/b. V. Deshpande & Co. for the  
Respondent No. 1

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

DATE: 25<sup>th</sup> FEBRUARY 2026

P.C.

1. Heard learned Counsel for the Petitioner. The Respondent No. 1-bank (secured creditor) is represented by Counsel. In the facts and circumstances of the present case, the Respondent No. 1-bank is the contesting Respondent.

2. A preliminary objection is raised on behalf of Respondent No. 1 to the effect that alternative remedy is available to the Petitioner to approach the Debts Recovery Appellate Tribunal (DRAT) and hence the Petition may not be entertained. On the other hand, the learned Counsel for the Petitioner submits that in the peculiar facts of the present case, this Court may consider entertaining the Petition.

3. The Writ Court refusing to entertain the Writ Petition on the ground of availability of alternative remedy is a self-restraint imposed upon itself by the Writ Court as a rule of prudence and it is not a rule of law. In peculiar circumstances, a Writ Petition can be entertained.

4. We find that the Petitioner in the present Petition has protection of an ad-interim order passed as far back as on 02/12/2010 in Notice of Motion No. 2586 of 2010 in Suit No. 878 of 2010. The said ad-interim order was confirmed and the motion was allowed in favour of the Petitioner by a subsequent order dated 07/01/2020 passed by a learned Single Judge of this Court.

5. The aforesaid Suit was transferred to the City Civil Court in the light of change in pecuniary jurisdiction and as of now it is pending before the said Court in the form of Suit No. 1706 of 2024. Interim relief granted by this Court continues to operate during the pendency of the suit. The effect of the said interim order is one of the factors specifically relied upon by the Petitioner while pressing for relief in the present Writ Petition. We find this to be a peculiar circumstance for this Court to entertain the Writ Petition, despite availability of alternative remedy.

6. The impugned order dated 12/02/2026, on first blush, appears to be an innocuous order as it calls upon the Respondent No. 1-bank to furnish details of the auction and the auction purchaser. We are informed that the

auction was slated for the very date when the impugned order was passed i.e. 12/02/2026.

7. The learned Counsel for the Petitioner submits that despite repeated requests made and emails sent to the Respondent No. 1-bank, till date the details of the auction purchaser have not been given. The Petitioner is not aware as to what steps have been taken upon conclusion of the auction. It is emphasized that this Court while confirming the interim order had taken into consideration the fact that an amount of Rs.1,05,00,000/- i.e. total consideration of the subject property was paid by the Petitioner at the relevant time i.e. sometime in the year 2008. This is another factor we need to take into consideration in the present case.

8. The Petitioner is not aware as to on what basis the Respondent No. 1-bank has invoked the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Securitization Application bearing No. 38 of 2026 has been filed by the Petitioner before the Debt Recovery Tribunal, wherein the impugned order has been passed. An Interim Application bearing IA/109/2026 filed by the Petitioner is pending for interim reliefs and it is the apprehension of the Petitioner that in the absence of any ad-interim relief being granted and/or consideration of its Interim Application by the DRT, the Petitioner will be

met with a fait accompli and the same would be prejudicial to its interest, despite the interim order passed by this Court operating in its favour.

9. The learned Counsel for Respondent No. 1-bank, on instructions, informs this Court that the sale certificate has been registered in the favour of the auction purchaser on 20/02/2026. He further submits that details of the auction purchaser can be given to the learned Counsel for the Petitioner in the Court today itself. As a matter of fact, the details have been handed over to the learned Counsel for the Petitioner.

10. It would be appropriate that Respondent No. 1-bank gives copies of all relevant documents pertaining to the sale certificate and proceedings pertaining to the auction conducted on 12/02/2026 to the Petitioner. The said documents shall be furnished before the next date of listing.

11. We are of the opinion that, even if we entertain this Writ Petition and intend to pass any order, in the face of the fact that the proceedings before the DRT are listed on 09/03/2026, it would not be appropriate to do so in the absence of the auction purchaser.

12. Since the details of the auction purchaser are provided to the Petitioner, leave is granted to the Petitioner to amend the Writ Petition and add the auction purchaser as Respondent No. 4. The amendment be carried out forthwith.

13. Issue notice to Respondent No. 4 returnable on 27/02/2026 to be taken up in the supplementary list.

14. The learned Counsel appearing for the Respondent No. 1-bank waives notice on behalf of Respondent No. 1.

15. Additionally, the Petitioner is permitted to serve the newly added Respondent No. 4 by way of private service and to file affidavit of service on the next date of listing.

16. This Court shall consider the prayer for interim relief made on behalf of the Petitioner on the next date of listing after hearing the parties. This Court may also consider disposing of the Writ Petition on the next date of hearing.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**