

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4310 OF 2026

Pratibha Rohit Davalbhakta And Anr .. Petitioners

V/S.

The Authorized Officer And The .. Respondents
Special Recovery Officer ICICI Bank
Ltd And Ors

Mr. Sachin Ramrao Pawar, for petitioners.

Mr. R.L. Motwani, respondent No. 1, ICICI bank Ltd.

Ms. Tanu N. Bhatia, AGP, for respondent No.6

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

DATE : 4TH MAY 2026.

PC:

1. In this petition on 07/04/2026, while taking note of the short point that arises for consideration, this Court had issued notice for final disposal .
2. Respondent No. 1 i.e. the Special Recovery Officer of the concerned Bank (secured creditor) is represented through counsel.
3. Respondent No. 6-State is represented through the learned AGP
4. As regards respondent Nos. 2 to 5, the petitioners have privately served them, and an affidavit of service has been filed. For the convenience of this Court, a photocopy of the affidavit of service along with documents is tendered. The same is taken on record. The affidavit

indeed shows that respondent Nos. 2 to 5 have been served. They have chosen not to appear before this Court.

5. The limited grievance of the petitioners is that a Securitisation Application filed on their behalf before the Debts Recovery Tribunal at Pune has not been registered. The registrar appears to have declined to register the Securitisation Application on 09/12/2025.

6. In this context, at Paragraph 6(viii), the petitioners have specifically stated as follows:

"The petitioners state that on becoming aware of the said measures, the Petitioners approached the Debts Recovery Tribunal, Pune, on 09th December 2025, seeking stay of further proceedings and challenging the steps taken by Respondent No.1. The Petitioners state that the Registry of the DRT, however, declined to register the matter on the erroneous ground that the Petitioners were neither "borrowers" nor "guarantors" and therefore had no locus standi to file such application under Section 17 of the SARFAESI Act. Hereto annexed and marked as Exhibit-"B" is a copy of the DRT filing and the endorsement/communication evidencing such refusal."

7. We are of the opinion that if the only reason for declining to register the Securitisation Application of the petitioners is, as has been stated in the above quoted paragraph, the registrar has committed an error for the reason that section 17 of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, clearly uses the words 'any person aggrieved by any of the measures'.

8. The aforesaid words make it abundantly clear that the petitioner would be covered under the said expression and the registration of the Securitisation Application could not have been declined for the reasons

stated in the above-quoted portion of the writ petition.

9. Learned counsel appearing for respondent No. 1-Bank submits that in such situations, it is open for aggrieved party to approach the Presiding Officer of the DRT for appropriate relief and, therefore, the petitioners ought not to have directly filed this writ petition before this Court. It was further submitted that the case status sheet placed before this Court does not clearly indicate as to whether registration of the Securitisation Application was declined for any other reasons, such as non-removal of the office objections, etc.

10. Considering the rival submissions and the contents of Section 17 of the Securitisation Act, we are of the opinion that the petitioners can approach the Presiding Officer of the DRT, at Pune, for redressal of their grievance. If the Registrar declined registration only on the ground quoted hereinabove, it is obvious that such an approach could not have been adopted and appropriate directions can be issued by the Presiding Officer, DRT.

11. If the petitioners move an application before the Presiding Officer of the DRT within one week from today, the same shall be taken up for consideration forthwith, and appropriate directions shall be issued within one week thereafter.

12. The Writ petition is disposed of in above terms.

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

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)