

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3584 OF 2026

IN

WRIT PETITION NO. 6136 OF 2026

Crystal Cold Storage Co. Pvt. Ltd. ...Applicant

In the matter between

Indian Bank ...Petitioner

V/s.

The Tehsildar & Ors. ...Respondents

Mr. Vikramjit Garwal, with Ms. Shivani Deshmukh, i/b Ashlesha Suryawanshi, for the Applicant.

Ms. Vaishali Bhilare, with Mr. Somesh Talla, for the Petitioner.

Mr. S. H. Kankal, AGP, for the Respondent-State.

CORAM : MANISH PITALE &
FARHAN P. DUBASH, JJ.

DATE : 8th MAY 2026

PC.:

1. The Applicant (borrower) has moved this Application and it has been circulated urgently today in the light of an order dated 5th May 2026 passed by this Court in the present Writ Petition. By the said order, this Court had directed that physical possession of the secured asset shall be taken on 18th May 2026. Ancillary directions were issued to the Tahsildar and the Senior Inspector of the concerned Police Station to ensure that the direction is complied with.

2. The learned Counsel for the Applicant submits that the

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Petitioner – Bank ought to have disclosed the fact that Securitisation Application No. 11 of 2025, filed by the Applicant, is pending before Debt Recovery Tribunal – 1 Mumbai (DRT - 1) and that an Application for stay therein has been moved bearing Interlocutory Application No. 928 of 2026. It is submitted that, as a matter of fact, on 28th April 2026 in Writ Petition No. 5695 of 2026 filed by the Applicant, this Court had directed the DRT – 1 to expeditiously dispose of the pending Securitisation Application.

3. It is submitted that the Petitioner ought to have brought to the notice of this Court the aforementioned facts, when the aforesaid order dated 5th May 2026 was passed. It is submitted that in the face of the said order, DRT – 1 may not consider the Interlocutory Application No. 928 of 2026, filed by the Applicant on merits and the Applicant would be met with a *fait accompli*.

4. We find that in the Writ Petition filed by the Petitioner – Bank, there is no reference to the filing of the aforementioned Interlocutory Application No. 928 of 2026. The aforesaid fact should have been disclosed before this Court.

5. Nevertheless, the grievance of the Applicant can be sufficiently addressed by granting the alternative prayer at prayer clause (c) in the present Application.

6. We are of the opinion that DRT – 1 Mumbai should decide the

said Interlocutory Application on its own merits. We are informed that the said Application is now listed on 12th May 2026 for further consideration.

7. In view of the above, the present Interim Application No. 3584 of 2026 is disposed by directing that DRT – 1 Mumbai shall decide the Interlocutory Application No. 928 of 2026 in Securitisation Application No. 11 of 2025, on its own merits uninfluenced by the order dated 5th May 2026 passed by this Court. The said Application shall be taken up in the urgent category and shall be disposed of on the very same day.

(FARHAN P DUBASH, J.)

(MANISH PITALE, J.)

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