IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7269 OF 2026

M/s. D Corp Agro Foods Private
Limited & Anr. ... Petitioners
Versus
Bank of Baroda & Ors. ... Respondents

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Dr. Abhinav Chandrachud i/by Mr. Ajit A. Kocharekar for the Petitioners.
Ms. Rathina Maravarman a/w Adv. Asma Batatawala for Respondent No.1-Bank of Baroda.

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CORAM : MANISH PITALE AND SHREERAM V. SHIRSAT, JJ.
DATE : 16th JUNE 2026

P.C. :

. Heard learned counsel for the parties.

2. This writ petition has come up for consideration on the first occasion before this Court. But, considering the limited issue involved, we are inclined to dispose of the writ petition, as the contesting respondent No.1-bank (secured creditor) is represented by counsel. Respondent Nos.2 and 3 are formal parties and not contesting respondents.

3. Debts Recovery Tribunal-II, Mumbai (DRT) passed the impugned order dated 2nd June 2026, rejecting Interim Application No. 1375 of 2026 filed in Securitisation Application No. 267 of 2025, whereby amendments proposed on behalf of the petitioners were rejected. The learned counsel for the petitioners submitted that although an alternative remedy of approaching Debts

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Recovery Appellate Tribunal (DRAT) is available, the present writ petition has been filed, for the reason that the DRT in the impugned order has completely failed to consider the contentions raised on behalf of the petitioners, while pressing for amendment of the securitisation application. It is submitted that the application has been rejected virtually in one sentence by observing that the proposed amendment does not seek to bring on record a subsequent event. There is no other observation made in the impugned order, thereby indicating a glaring error committed by the DRT and in that context, the writ petition may be entertained by this Court.

4. The learned counsel for the petitioner further invited attention of this Court to the proposed amendments contained in the application filed before DRT to impress upon this Court that the proposed amendments were only to elaborate upon the pleadings already forming part of the securitisation application and that certain documents that were made available to the petitioners in the reply filed by the respondent No.1-bank to the securitisation application, were sought to be responded to and in that context, the auction purchaser was also sought to be brought on record. The learned counsel for the petitioner is at pains to point out that rejection of the amendment application would, as a matter of act, prejudice the auction purchaser, who has already come into the picture in the light of the auction sale conducted by the respondent No.1-bank, which is the subject matter of challenge in the securitisation application.

5. On this basis, it is submitted that for a comprehensive consideration of issues that directly arise in the present controversy, the DRT should have allowed the amendment application. Instead, the application has been rejected by a cryptic order, thereby demonstrating error in exercise of jurisdiction.

6. On the other hand, the learned counsel appearing for the contesting respondent No.1-bank vehemently opposed the present petition. It was submitted that such an amendment application was moved belatedly, deliberately nearing expiry of the timeline fixed by this Court for final disposal of the securitisation application. It is submitted that the only intention of the petitioners is to somehow delay the proceedings before the DRT to avoid the inevitable. It is submitted that issues are sought to be raised in the proposed amendment that are clearly hit by limitation and therefore, the impugned order ought not to be interfered with. It is submitted that although the reasoning contained in the impugned order is brief, it is in the light of the circumstances in which the amendment application was filed by the petitioners, that the DRT was constrained to pass a short order for disposing of the application. It is further submitted that connected securitisation application concerning the residential property would also be delayed unnecessarily, if indulgence is shown to the petitioners.

7. We have considered the rival submissions. A bare perusal of the impugned order shows that the only reason recorded therein, while rejecting the amendment application, is that the said application does not pertain to subsequent events. No other

reason has been recorded while rejecting the amendment application.

8. We are of the opinion that the manner in which the impugned order is passed, indicates non application of mind on the part of the DRT in considering the amendment application moved by the petitioners. Perhaps, the DRT was in a hurry to deal with the application in the backdrop of the outer limit fixed by this Court for disposing of the securitisation application. By an earlier order dated 27th March 2026 passed by this Court, the DRT was directed to dispose of the pending securitisation applications concerning the petitioners, on or before 16th June 2026. Even if the time period available for the DRT was brief, nothing prevented the DRT from considering the merits of the amendment application. The DRT could have considered as to whether parts I, II and III of the proposed schedule of amendment could be granted. Since there is total absence of consideration of the said most vital issue, we are inclined to entertain the present petition.

9. Part-I of the amendment simply seeks to add the auction purchaser as a party to the pending securitisation application. We are of the opinion that the said amendment ought to be granted in the interest of justice, so that the auction purchaser is before the DRT, when the securitisation application is considered on merits. Any order passed in the securitisation application would certainly affect the interest of the auction purchaser. Therefore, part-I of the proposed amendment ought to have been granted.

10. As regards part-II of the proposed amendment, although the learned counsel for the respondent No.1-bank submitted that certain issues hit by limitation are sought to be raised by the petitioners, we are of the opinion that even if the amendment is to be allowed, it would only mean that the petitioners had raised such issues at the time when the securitisation application was filed i.e. in April 2025. The contention with regard to the limitation would still be available to the respondent No.1-Bank and in any case, even we propose to allow the amendment as per part-II of the schedule, it would be subject to the objections regarding limitation and other such just exceptions sought to be raised on behalf of the respondent No.1-bank. Therefore, no prejudice would be caused to the respondent No.1-bank, if part-II of the schedule is to be granted.

11. As regard part-III of the proposed amendment, we find that the petitioners intend to add certain prayer clauses in the securitisation application. Merely, permitting the petitioners to add the prayer clauses would certainly not mean that reliefs claimed therein are granted and in any case, it would be open for the respondent No.1-bank to oppose such prayers on all grounds, including the ground of limitation.

12. As regards the allegation that the petitioners have deliberately filed the application for amendment belatedly, only to disturb the timeline fixed by this Court, we are of the opinion that interest of justice will be subserved, if the amendment is allowed and timeline is extended by a reasonable period for the DRT to

comprehensively consider all the issues sought to be raised by the rival parties.

13. In view of the above, we allow the writ petition by setting aside the impugned order dated 2nd June 2026. Interim Application No. 1375 of 2026 filed in Securitisation Application No. 267 of 2025 is allowed, subject to objections regarding limitation and all other just exceptions that are available to be raised by the respondent No.1-bank. The amendment shall be carried out within one week from today. Amended papers shall be served upon respondent No.1-bank within two days of carrying out the amendments. Respondent No.1-bank is permitted to file its further reply affidavit before the DRT within one week of service of the amended papers. The DRT shall issue notice to the added respondent (auction purchaser) upon the amendment being carried out.

14. The DRT shall take up Securitisation Application No. 267 of 2025 along with Securitisation Application No. 219 of 2025, for consideration and disposal on merits, as expeditiously as possible and in any case, on or before 31st July 2026.

15. Writ Petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

16. All rights and contentions of the parties are kept open.

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