

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7320 OF 2026**

Shankarrao Pawar Seat Corner,  
Through Authorized Partner and others      ...      Petitioners  
vs.  
The State of Maharashtra, Thr. Secy.,  
Revenue Department and others      ...      Respondents

Adv. S. S. Kothiya for petitioners.

Ms. M. S. Bane, AGP for respondent No.1 – State.

Adv. R. J. Singh a/w. Mr. Aditya Shukla, i/b. M/s. R. J. Singh & Co. for  
respondent No.4.

Ms. Sonali Jain a/w. Mr. Vallabh Tokekar for respondent No.5.

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

**DATE     :    12<sup>th</sup> JUNE, 2026**

**P.C. :**

.      Heard learned counsel for the petitioners – original borrowers.

2.      The respondent No.4 - secured creditor and respondent No.5 – auction purchaser, being the contesting respondents, are represented by counsel. The present petition is filed seeking diverse reliefs from this Court in writ jurisdiction.

3.      It is an admitted position that controversy between the parties arises from measures taken by the secured creditor, under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act). The record shows that the petitioners filed securitisation application No.400 of 2022, way back in September, 2022. In the

said pending application, the petitioners have repeatedly filed interlocutory applications, with regard to various measures undertaken by the secured creditor in respect of the securitisation application. It is an admitted position that in all such applications, the petitioners have met with failure in getting any relief from the Debts Recovery Tribunal, Pune (DRT) or Debts Recovery Appellate Tribunal (DRAT). As a consequence, auction was conducted, respondent No.5 – auction purchaser was put in possession, sale certificate was issued and admittedly, the same has also been registered on 17.10.2025.

4. Respondent No.4 – secured creditor was constrained to move an application in the pending securitisation application before the DRT, in the light of the fact that respondent No.5 – auction purchaser being put in possession of the subject property, the petitioners (original borrowers) were refusing to remove the movables lying inside the property. By an order dated 14.05.2026, the DRT allowed the said application and directed that respondent – secured creditor shall remove the movables from the subject property and prepare an inventory with police aid.

5. It is against this order dated 14.05.2026 passed by the DRT, that the petitioners have admittedly filed an appeal before the DRAT bearing Misc. Appeal Diary No.908 of 2026. In the said appeal, the petitioners have filed Interim Application No.360 of 2026 for waiver of pre-deposit, as mandated under the proviso to Section 18 of the Securitisation Act.

6. On 03.06.2026, the DRAT passed an order permitting the respondents therein to file their reply affidavits and the application

was directed to be listed for hearing on 10.06.2026. We are informed that now the same is listed for hearing on 14.10.2026.

7. Being aggrieved, the petitioners approached this Court. We are of the opinion that it is the petitioners who filed the application for waiver of pre-deposit. The statutory mandate is that they are required to do so, if their appeal is at all to be considered by DRAT. The matter is pending before the DRAT for consideration. In the light of the chronology of events, we do not find any reason to exercise extraordinary jurisdiction under Article 226 of the Constitution of India, to consider the prayers made in the present petition.

8. The nature of reliefs sought in this petition show that they are nothing but exact reliefs being prayed for by the petitioners in the appeal filed before the DRAT. In such circumstances, we decline to entertain the petition and accordingly, it is dismissed. However, the DRAT is expected to consider the pending proceeding as expeditiously as possible.

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

**(MANISH PITALE, J.)**