



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4833 OF 2026

Vedanta Kanoria & Ors. ... Petitioners
Versus
Recovery Officer, DRT-I, Mumbai & Anr. ... Respondents

Mr. Karl Tamboly a/w Adv. Reehan Ajmerwalla and Adv. Sangeeth Narayanan i/by Sangeeth Narayanan for the Petitioners.

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

DATE : 17th APRIL 2026

P.C. :

1. Heard learned counsel for the petitioners.
2. The petitioners have directly approached this Court in writ jurisdiction to challenge an order dated 6th January 2016 passed by the Recovery Officer of the Debts Recovery Tribunal-I, Mumbai (DRT-I), without exhausting the alternative remedy of appeal provided under Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (RDDB Act), on the ground that principles of natural justice have been flagrantly violated, in the facts and circumstances of the present case.
3. The documents placed on record show that the respondent No.2-bank had initiated proceedings for recovery against the predecessor of the petitioners. The said proceeding was adjourned



sine die on 3rd April 2008, by recording that no assets were found for a long time and that the matter stood adjourned till some assets were to be found.

4. The predecessor of the petitioners expired on 18th October 2009 and the petitioners caused a public notice to be issued in that regard on 28th October 2009, in the form of an obituary in the daily 'the Telegraph'.

5. It appears that recently, the respondent No.2-bank caused reopening of the recovery proceedings on the basis of an investigation report. The respondent No.2-bank appears to be now pursuing the proceedings against the petitioners, as the successors of their predecessor i.e. Tulsidas Kanoria.

6. In that light, interim application for reopening the proceedings was moved on behalf of respondent No.2-bank, copy of which was served upon the petitioners, who appeared through counsel. The petitioners raised an objection that they could not be added as parties to the proceedings, without appropriate steps being taken by the respondent No.2-bank. In that light, it appears that on 6th January 2026, the respondent No.2-bank moved an application for impleading the petitioners as legal heirs of the deceased original defendant No.2. The impugned has been passed on the very same day.

7. It is urged on behalf of the petitioners that a copy of the application was served on 6th January 2026, no opportunity was



granted to the petitioners to respond to the said application and their objection on limitation was dealt with in a cursory manner by the Recovery Officer of the DRT-I in the impugned order. The application was not only allowed, but further directions were issued in the impugned order, directing demand notices to be issued to the petitioners.

8. We have perused the documents on record and we find *prima facie* substance in the contentions raised on behalf of the petitioners that the application to implead them in the pending proceedings could not have been disposed of in such a hurried manner. The petitioners ought to have been granted opportunity to demonstrate as to why, according to them, the application for impleading them was hit by limitation and they also ought to have been granted opportunity to deal with the merits of the matter, if necessary.

9. In view of the above, issue notice, returnable on 15th June 2026 (High on Board).

10. In the meanwhile, there shall be ad-interim order in terms of prayer clause (d), which reads as follows :

“d) Pending the hearing and final disposal of the present Writ Petition, this Hon’ble Court be pleased to stay the proceedings under the recovery proceedings *qua* the Petitioners.”

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)