IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO. 14315 OF 2026

Dipen Dhirajlal Doshi & Anr. … Petitioners
Versus
Bank of India & Anr. … Respondents

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Mr. Jainish Jain for the Petitioners.
None for Respondents.

BIPIN DHARMENDER PRITHIANI
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Date: 2026.05.08 15:12:42 +0530

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

DATE : 8th MAY 2026

P.C. :

. Heard learned counsel for the petitioners.

2. This petition was mentioned in the morning at 11:00 a.m. for urgent listing on the production board, in the backdrop of peculiar circumstances faced by the petitioners.

3. The petitioners are the Director of the original borrower and a Guarantor, who had filed Miscellaneous Appeal (D) No. 2765 of 2024 before the Debts Recovery Appellate Tribunal, Mumbai (DRAT) to challenge an order passed by the Debts Recovery Tribunal. In the aforesaid appeal, on 2nd January 2025, the DRAT at Mumbai directed the petitioners to deposit the sum of Rs.40 lakhs as pre-deposit before hearing on the application for waiver. The DRAT, Mumbai directed that the aforesaid amount of

Rs.40 lakhs shall be deposited in installments. Subject to such deposit, the taking over of physical possession of secured assets was deferred. It was also specified that in case of default, the appeal itself would stand dismissed, without reference to the DRAT, Mumbai.

4. In paragraph 5 of the petition, the petitioners have specifically stated as follows :

> *"5. As directed in the aforesaid Order dated 2nd January 2025, The Petitioners have deposited the aforesaid amount of Rs.40,00,000/- in instalments on 2nd January 2025, 16th January 2025 and 30th January 2025 with the registry. Upon verification of the aforesaid deposits of money with the registry, the Hon'ble Tribunal has extended the aforesaid Interim Order dated 2nd January 2025 from time to time. The Petitioners craves leave to refer and rely upon various letters addressed to the registry for intimation of payment of money and subsequent orders extending the interim protection granted to The Petitioners by the aforesaid order dated 2nd January 2026."*

5. During the course of arguments, the learned counsel for the petitioners tendered documents to support the assertion, as made in paragraph 5 of the petition. The photocopies of the documents are taken on record.

6. In the light of the deposit being made in terms of the order dated 2nd January 2025, the interim protection continued during the pendency of the appeal.

7. It is further brought to our notice that in the interregnum and during the pendency of the aforesaid miscellaneous appeal, office of the Chairperson at DRAT, Mumbai, became vacant and in

that light, the said appeal was adjourned from time to time with the interim protection being continued.

8. It is further stated that Chairperson of the DRAT, Mumbai was appointed in February 2026 and the said appeal was listed for consideration on 16th March 2026. It is claimed that the Advocate for the petitioners was unaware about appointment of the Chairperson at DRAT, Mumbai and therefore, there was no representation on behalf of the petitioners before the DRAT, Mumbai on 16th March 2026. In that light, the appeal was dismissed for default, as a consequence of which, the protection operating in favour of the petitioners also stood vacated.

9. It is further stated that on 4th May 2026, a Constable from the local police station visited the office of the petitioners and informed them about the fact that the respondent-bank (secured creditor) was likely to execute a direction for taking physical possession of the secured assets on 11th May 2026.

10. In that light, the petitioners immediately moved an application for restoration of the appeal and also for restoration of the interim protection that was operating in their favour. The petitioners assert that when they sought to move the DRAT, Mumbai on 7th May 2026, they came to know that Chairperson, DRAT, Mumbai is not available till 15th May 2026. In that context, the petitioners were constrained to mention the matter before DRAT at Chennai on 7th May 2026 and circulation was granted for 8th May 2026. This Court is informed that on 8th May 2026,

the Chairperson, DRAT at Chennai was also not available. It is in these circumstances the petitioners are constrained to move this Court. It is brought to our notice that the papers are required to be sent by courier, even if Chairperson, DRAT at Chennai is to taken up the matter for consideration. Since, the date for taking physical possession of the secured assets has been fixed as 11th May 2026, logistically it may not be possible for the papers to be physically presented before the Chairperson at DRAT, Chennai and in such a situation, the aforesaid application of the petitioners for restoration of the appeal and the interim protection may be rendered infructuous.

11. In these peculiar circumstances, the petitioners have knocked the doors of this Court by way of the present writ petition.

12. We are of the opinion that since a positive assertion is made that the conditions imposed in the order dated 2nd January 2025 passed by the DRAT, Mumbai, were complied with and interim protection was operating in favour of the petitioners since 2nd January 2025, the said protection can be extended for a brief period, in order to grant a window of opportunity to the petitioners to argue their applications for restoration of the appeal and also the interim protection. The non-availability of the Chairperson, DRAT, Mumbai, should not lead to applications filed on behalf of the petitioners being rendered infructuous.

13. In view of the above, while keeping the writ petition

pending, we direct that the action proposed to be undertaken by the respondent No.1-bank of taking physical possession of the secured assets on 11th May 2026, shall stand deferred till 20th May 2026.

14. The petitioners shall immediately take necessary steps to move the Chairperson, DRAT at Chennai for consideration of the said applications for restoration of the appeal and also for their prayer for restoration of interim protection. If the Chairperson, DRAT, Mumbai is available before 20th May 2026, liberty is reserved for the petitioners to take appropriate steps to move their applications before Chairperson, DRAT at Mumbai, as the case may be.

15. It is made clear that the aforesaid limited protection granted by this Court shall expire after 20th May 2026. It is further made clear that this Court has not expressed any opinion on the rival claims and the rights and contentions of all the parties are kept open.

16. List for further consideration on 16th June 2026 (High on Board).

17. Liberty to move the vacation Court, in case of urgency.

(FARHAN P. DUBASH, J.) **(MANISH PITALE, J.)**