

THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.12597 OF 2023

SAM Family Trust & Another. .. Petitioners.  
v/s.  
Catalyst Trusteeship Limited & Others. .. Respondents.

Mr. J. P. Sen, Sr. Advocate with Mr. Rafeeq Peermohideen and Mr. T. N. Tripathi and Ms. Kalyani Wagle i/b. T. N. Tripathi & Co., for the Petitioners.

Mr. Sachin C. with Mr. Pooja Batra, Mr. Archit Shah, Mr. Aagam Mehta i/b. Manilal Kher Ambalal & Co. for Respondent Nos.1 to 3.

Mr. Simil Purohit with Mr. Karan Bhide with Mr. Nilesh Ranawat and Mr. Mustaqueen B. i/b. Wadia Ghandy & Co., for the Proposed Intervenor.

**CORAM: NITIN JAMDAR AND  
ABHAY AHUJA, JJ.**

**DATE: 3 MAY 2023.**

**P.C:-**

Not on board taken on board, by mentioning,

2. The petition is moved before us making a grievance that on 2 May 2023, the Debts Recovery Tribunal has heard the parties pursuant to the order dated 28 April 2023 passed in Writ Petition (L)

No.7577/2023 and has kept the matter for passing orders on 10 May 2023, as already directed but there is no clarity as to what would be the position from 2 May 2023 to 10 May 2023 .

3. There is a debate before us as to what has happened on 2 May 2023 before the DRT. According to the Respondents, the Debts Recovery Tribunal had orally expressed that it is rejecting the said application. However, as it has happened several times earlier in this litigation as can be seen from record of Writ Petition (L) No.7577/2023 we do not have any order to the effect .

4. The learned Counsel for the Respondent submits that since Debt Recovery Tribunal orally expressed that it is rejecting application the sale certificate immediately was registered. The Learned Counsel for the Petitioner makes a serious grievance, in our opinion, justifiably so. Either the DRT should have asked the parties to maintain *status quo* till it passed the order or should have specially passed an order refusing ad interim relief. We had already placed our disapproval on record as to this course of conduct consistently adopted by the DRT.

5. Place the petition on board on 7 June 2023.

6. Leave to amend is granted to place on record the formal order to be passed by the Debts Recovery Tribunal with a necessary averments and prayers.

7. Considering the facts and circumstances in which the sale Certificate has been registered, by way of an interim order we direct that the same shall be subject to the outcome of this petition and shall not put into effect till next date.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)