

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 13006 OF 2026
IN
WRIT PETITION (L) NO. 12994 OF 2026

Ashutosh Abhyankar And Anr.

...Applicants

In the matter between :

Ashutosh Abhyankar And Anr.

...Petitioners

Versus

The Collector and District Magistrate, Mumbai City

...Respondents

Mr. Rohan Kelkar a/w Shashank Sardesai, for the Applicant/
Petitioner.

Ms. Usha Rahi, A.G.P., for the State.

Adv. E. A. Sasi a/w Arnav Rane, for Respondent No.2.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: MAY 7, 2026

ORDER :

1. An Affidavit dated May 7, 2026, filed by the Petitioner No.1 is taken on record. It is also verified with the Registry that the earlier remittance had been effected by RTGS, which was rejected by the system. A Demand Draft has now been delivered, which has been accepted.

2. In this view of the matter, compliance with the conditions imposed in the order dated April 15, 2026, has been effected. The matter is stood over to ***June 23, 2026.***

3. Learned Advocate for the State submits that nothing has been shown to demonstrate that a mortgage is claimed in favour of SBI. Learned Advocate for SBI submits that the loan had been inherited from L&T Finance.

4. Be that as it may, unless an actual demonstration of a pre-existing mortgage is made, it would not be expected of the Collector to inform the world at large that a mortgage exists. Any demonstration to this effect shall be effected within a period of one week from today. Should such demonstration be made, the disclosure of the mortgage shall be included in the auction notice. Should no such demonstration be made, the auction shall proceed without such disclosure.

5. The auction shall be conducted in compliance with the orders passed on April 15, 2026.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]