

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 18421/2026
[Arising out of impugned final judgment and order dated 14-11-2025 in WRITC No. 10619/2025 and 11-03-2026 in CMRAD No. 42/2026 passed by the High Court of Judicature at Allahabad]

M/S HAMARA PUMP RAHMAN RAINAPUR & ORS. **Petitioner(s)**

VERSUS

STATE BANK OF INDIA & ANR. **Respondent(s)**

(IA No. 104162/2026 - CONDONATION OF DELAY IN FILING)

Date : 07-04-2026 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI**

For Petitioner(s) Mr. Prabhat Chaurasia, Adv.
Mr. Alok Rai, Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Mr. Anirudh Jamwal;, Adv.
Mr. Aditya Bajaj, Adv.
Ms. Kenisha Savla, Adv.
M/S Mps Legal, AOR

For Respondent(s) :

**UPON hearing the counsel the Court made the following
O R D E R**

1. Delay condoned.
2. Petitioner No.1, despite being arrayed as respondent no.4 in the proceedings before the High Court, was not put on notice. Grievance of the petitioners is that the High Court ought not to have disposed of the writ petition without issuing notice to it.
3. Although the petitioners are right that no notice was issued to the petitioner no.1 prior to disposal of the writ petition by the impugned order, nothing significant turns on it. Petitioner no.1 is a

borrower within the meaning of Section 2(1)(f) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the Act”). Measures have been taken under Section 13(4) of the Act by the secured creditor. The secured assets have been sold in an auction which the secured creditor conducted under the Security Interest (Enforcement) Rules, 2002. The auction-purchaser has deposited the entire bid amount. Sale certificate has been issued. Petitioners’ application under Section 17 of the Act has been dismissed by the relevant Debts Recovery Tribunal on merits. An appeal carried to the relevant Debts Recovery Appellate Tribunal¹ under Section 18 of the Act stands dismissed for default. It is at this stage that the auction-purchaser moved the High Court for direction on the police to render assistance for taking over possession of the secured assets pursuant to an earlier order passed by the relevant Magistrate under Section 14 of the Act. A review petition filed by the petitioners before the High Court has also failed.

4. These are the circumstances, which need to be borne in mind while considering the petitioners’ grievance that no order should have been passed by the High Court without affording petitioner no.1 an opportunity of hearing.

5. Since there is no pending *lis* before the DRAT, there was no impediment for the High Court to direct police assistance to be rendered for the auction-purchaser to take over possession of the secured assets. However, we need to and do hereby clarify that in the event the appeal before the DRAT is restored, it shall be open to the

1 DRAT

petitioners to raise all points while challenging the measures taken under Section 13(4) of the Act as well as the subsequent sale; and, provided a satisfaction of the nature as indicated in Section 17(3) of the Act is reached, the DRAT may pass appropriate orders on the appeal.

6. The special leave petitions are, accordingly, dismissed with the above observations.

7. Pending application(s), if any, shall also stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)