

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

Petition(s) for Special Leave to Appeal (C) No(s).1584/2026

[Arising out of impugned final judgment and order dated 08-12-2025 in SA No.163/2021 passed by the DEBT RECOVERY TRIBAL-III]

KDK HOSPITALITY PACKAGING PRIVATE LIMITED & ANR. Petitioners

VERSUS

BANK OF INDIA & ORS. Respondents

I.A. No.9677/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 12-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Mathews J Nedumpara, Adv.
Ms. Maria Nedumpara, Adv.
Ms. Hemali Suresh Kurne, Adv.
Mr. Shameem Fayiz, Adv.
Mr. Jeevan R Patil, Adv.
Mr. Chand Qureshi, AOR

For Respondent(s) :

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

1. The petitioner had the occasion to approach this Court earlier challenging an order dated 11th November, 2025 passed by the High Court of Judicature at Bombay in WPL No.30874/2025. The order on the special leave petition¹ dated 15th December, 2025 records as follows:-

- “1. Permission to file special leave petition is granted.
2. The order dated 11th November, 2025, under challenge in this special leave petition passed by the

¹ SLP© Diary No.71127/2025

High Court of Judicature at Bombay, has disposed of a writ petition under Article 226 of the Constitution of India filed by the auction purchaser by directing the Debts Recovery Tribunal, seized of the petitioners' application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and which has passed an interim order, to consider the affidavit filed by the secured creditor wherein it has asserted that interim moratorium is no longer in existence and that the petition under Section 95 of the Insolvency and Bankruptcy Code, 2016 has been disposed of.

3. Grievance of the petitioners, being the borrowers, is that such an order has been passed without making him a party to the proceedings.

4. Mr. Mathews J Nedumpara, learned counsel appearing for the petitioners submits that such an action on the part of the auction purchaser in instituting writ proceedings without impleading the borrowers amounts to fraud and no order ought to have been passed by the High Court on the writ petition which suffers from defect of parties.

5. Although it is true that the petitioners were not parties to the writ proceedings before the High Court, we are of the considered opinion that the impugned order does not determine any right/liability of any of the parties finally. All that the Court has done is to leave it open to the DRT to decide on the affidavit filed by the secured creditor. Such an order has not adversely affected the petitioners.

6. However, the petitioners do have a right of audience and should be given reasonable hearing by the DRT.

7. We, therefore, dispose of the special leave petition with the observation that as and when the DRT considers the affidavit filed by the secured creditor, in compliance with the order of the High Court, the petitioners shall be at liberty to raise all contentions in support of their claim to persuade the DRT not to pass any order vacating the interim order passed earlier or any order adverse to their interest.

8. All points on merits are kept open for being urged by the parties before the DRT.

9. Pending application(s), if any, shall stand disposed of."

2. In this special leave petition, the petitioners have challenged the order dated 08th December, 2025 passed by the Debts Recovery Tribunal No.3, Mumbai, Maharashtra.
3. On 15th December, 2025 when the aforesaid special leave petition was disposed of, it was not represented on behalf of the petitioners that the order of the High Court dated 11th November, 2025 was already acted upon by the Debts Recovery Tribunal and the impugned order 08th December, 2025 had been passed.
4. Had this Court been aware of such a fact, the order dated 15th December, 2025 would not have been recorded.
5. Be that as it may, the order dated 08th December, 2025 affords the petitioners a separate cause of action.
6. It shall be open to the petitioners to challenge such order before the appropriate forum.
7. The special leave petition stands disposed of.
8. Pending application(s), if any, shall also stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)