

BEFORE THE DEBTS RECOVERY
APPELLATE TRIBUNAL, AT: MUMBAI

Present: Justice Vivek Bharti Sharma, Chairperson

I.A. Diary No. 1302/2026 (CoD)

In

Regular Appeal Diary No. 1296/2026

Between

Sharadkumar Bhupatbhai Dobariya & Ors.

... Appellant/s

V/s.

The Authorised Officer,

...Respondent/s

Bandhan Bank Ltd.

-. Order dated: 11/08/2026: -

Present:

Mr. Rajesh Nagory, i/b Ms. M. Sondhi, Counsel for Applicants/Borrowers.

Mr. Akash S. Acharya, Counsel for Respondent Bank.

2. The Learned Counsel for the Respondent Bank tenders the Vakalatnama and written submissions. The same are taken on record.

He would submit that the written submissions be taken as reply to the delay condonation application.

3. Heard on I.A. Diary No. 1302/2026 filed for condonation of delay.

4. The order dated 05.08.2026 passed by this Appellate Tribunal directing the Applicants/Borrowers to deposit the mandatory pre-

deposit has not been complied with.

5. The Learned Counsel for the Applicants/Borrowers would submit that there is a delay of 281 days in filing the present appeal; that, the Applicants/Borrowers were in the process of obtaining legal advice regarding the appropriate appellate remedy. Therefore, sufficient cause has been made out for condonation of the delay

6. In reply, the Learned Counsel for the Respondent Bank would submit that the very grounds urged in support of the delay condonation application, as well as the other grounds raised in the memorandum of appeal have already been considered by the Hon'ble High Court of Gujarat at Ahmedabad in its order dated 30.06.2026 passed in R/Special Civil Application No. 7483/2026.

He would further submit that the contention of the Applicants/Borrowers that they were under the impression that the dispute had been resolved on the basis of the report of the Court Commissioner, and that the matter had come to an end, has not been accepted by the Hon'ble High Court; that, the present application seeking condonation of delay is entirely mala fide, vexatious and a deliberate tactic to obstruct recovery proceedings; that, the Applicants/Borrowers had approached the Hon'ble High Court, wherein time was expressly granted up to 28.10.2025 to pursue appropriate legal remedies; that, despite the expiration of the timeline granted by the Hon'ble High Court on 28.10.2025; that the Applicants/Borrowers consciously chose not to file any appeal within

the stipulated period; that, the delay is not accidental, but a calculated and intentional inaction; that, the application is entirely silent regarding the binding orders passed by the Hon'ble High Court; that, the Applicants/Borrowers sat on the fence after the expiry of the High Court's deadline of 28.10.2025 and chose to move this Hon'ble Tribunal only when physical possession of the secured asset became imminent; that, this deliberate suppression of material orders and waiting until the execution of possession reveals that the present application is a mere afterthought designed to defeat the statutory process.

7. Considered and perused the record.

The relevant part of the judgment dated 30.06.2026 of the Hon'ble High Court of Gujarat in R/Special Civil Application No. 7483/2026 is reproduced here as under.

“5. At this stage, it requires to be noted that while learned advocate Mr. Dave with learned advocate Mr. Kaswala tried to intervene submitting that there is a settlement with the petitioner-Bank, yet, to this Court, it would appear that such a contention is not required to be appreciated by this Court at this stage. Once a learned Coordinate Bench, at the instance of the borrowers, whom the learned advocate Mr. Dave represents, had granted indulgence to the borrowers to approach the Appellate Tribunal by challenging order dated 09.09.2025, it was for the borrowers to have approached the Appellate Tribunal and had sought for interim orders. Since it appears that the borrowers themselves did not approach the Appellate Tribunal, asking this Court to decide on all such issues, is completely out of place.”

8. In view of the observations made by the Hon'ble High Court of Gujarat, this Appellate Tribunal is of the considered opinion that the

issue sought to be raised in the present application for condonation of delay has already been considered by the Hon'ble High Court. Consequently, no further adjudication on the delay condonation application survives before this Appellate Tribunal.

9. Accordingly, I.A. at Diary No. 1302/2026 is dismissed. Consequently, Regular Appeal Diary No. 1296/2026 also stands rejected.

Sd/-
Chairperson

Psa-03