BEFORE THE DEBTS RECOVERY APPELLATE TRIBUNAL, AT: MUMBAI

Present: Justice Vivek Bharti Sharma, Chairperson

I.A. No. 453/2026 (WoD)
In
Misc. Appeal Diary No. 1001/2026

Between

M/s. Sushila Readymade Garments … Appellant/s

V/s.

Bank of Baroda & Ors. …Respondent/s

-: Order dated: 06/10/2026: -

1. Present as under:

Mr. Sunil Kadam, Counsel for Applicant.

Mr. Sunil A. Humbre along with Mr. Prashant Shinde i/b Mr. Anant Shinde, Counsel for Respondent No. 1/Bank.

Ms. Kalpana, in person, for Respondent No. 2.

2. Heard on the Waiver Application.

3. The Learned Counsel for the parties would submit that the amount stated in the demand notice issued under Section 13(2) of the SARFAESI Act is Rs.11,70,018/-.

4. The Learned Counsel for the Respondent-Bank would submit that, thereafter, no further demand notice was issued to the Appellant/Borrower.

He would fairly concede that the aforesaid amount of Rs.11,70,018/- is the base amount on which the mandatory pre-

deposit under Section 18 of the SARFAESI Act is to be calculated.

5. The Learned Counsel for the Applicant/Borrower would submit that the Applicant had initially availed a loan of Rs.12,00,000/- and had also availed a subsidy of Rs.2,00,000/- from the Government, to which the Applicant was entitled under the law.

He would further submit that the Applicant is undergoing severe financial hardship ; that , the original proprietor who was the wife of Appellant No. 1 has also since expired ; that , the Applicant/Borrower has already deposited some amount towards the outstanding dues and is ready and willing to pay the balance amount legally recoverable from the Applicant.

6. The Counsel for Respondent Bank would vehemently oppose the waiver application.

7. Considered and perused the record.

In view of the submissions made by the parties above, this Appellate Tribunal is of the considered opinion that the ends of justice would be served if the mandatory pre-deposit in accordance with section 18 of the SARFAESI Act be waived to the extent of 25% under the third proviso to the section. Accordingly, this Tribunal directs the Applicants/Borrowers to deposit 25% of ₹11,70,018/-, which comes to ₹2,92,504.50 on or before 28.10.2026.

9. With this observation, the I.A. No.453/2026 is disposed of.

The Respondent Bank is at liberty to file a reply to the grounds of the Appeal and stay application with an advance copy to the other sides.

10. On deposit of the amount, the Registry is directed to register this appeal and interlocutory application, if otherwise in order under the rules.

11. The amount shall be deposited in the form of a Demand Draft with the Registrar of this Appellate Tribunal.

12. As and when the said amounts are deposited, the same shall be invested in term deposits in the name of the Registrar, DRAT, Mumbai with any nationalised Bank, initially for 13 months, and thereafter to be renewed periodically.

13. If the deposit is made as stated in para 8 above on or before 28.10.2026, list the Appeal on 30.10.2026 for reporting compliance and hearing.

In the event of failure to deposit the said amount till 28.10.2026, the Appeal shall stand dismissed automatically without further reference to this Appellate Tribunal.

Sd/-
Chairperson
06.10.2026

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