BEFORE THE DEBTS RECOVERY APPELLATE TRIBUNAL, AT: MUMBAI

Present: Justice Vivek Bharti Sharma, Chairperson

I.A. No. 445/2026 (WoD)
In
Regular Appeal Diary No. 1231/2026

Between

M/s. Alica Kraft Paper Pvt. Ltd. & Ors. … Appellant/s

V/s.

State Bank of India …Respondent/s

-: Order dated: 07/10/2026: -

1. Present as under:

Mr. Gaurang Kinkhabwala, Counsel for Appellant.

Ms. Asma Batatawala along with Mr. Q.M. Tauseef, Counsel for Respondent No. 1/Bank.

2. The Learned Counsel for Applicant/Borrower would submit that the Applicant/Borrower has preferred an appeal against the impugned order dated 09.07.2026 thereby rejecting the Securitization Application of DRT-II, Ahmedabad Securitization Application No. 197/2024.

He would further submit that Waiver Application No. 445/2026 is filed for waiving of the mandatory pre-deposit to the extent of 25 % as per third proviso of section 18 of the SARFAESI Act.

3. The Learned Counsel for the Applicant would submit that in this Securitization Application challenging the symbolic physical possession order, the notice under section 13 (2) of SARFAESI Act

was issued on 21.12.2023 for the amount of Rs. 17,03,45,270.15/- ; that, however the sale notice for the auction was issued on 09.03.2026 on which the amount stated is Rs. 22,15,39,892.36/-.

He would further submit that as per the judgment of the Supreme Court in *" Sidha Neelkanth Paper Industries Private Limited and Ors. V/s Prudent ARC Limited & Ors." MANU/SC/0014/2023* the amount stated in the sale notice is to be considered for making the mandatory pre-deposit as per section of 18 of the SARFAESI Act.

4. The Learned Counsel for the Applicant/Borrower would further submit that in an another Misc. Appeal filed by Applicant/Borrower arising out of interim order passed by the Ld. DRT in the same Securitization Application, the Ld. Predecessor Chairperson had passed the order on 03.01.2025 and waived the amount to the extent of 35 % as per third proviso section 18 of the SARFAESI Act, therefore, the same may be allowed here also on the ground of parity.

5. Per Contra , the Learned Counsel for the Respondent Bank would submit that the Applicant/Borrower is not entitled to any waiver whatsoever.

6. Considered and perused the record.

7. The perusal of the order dated 03.01.2025 would reflect that the Ld. Predecessor chairperson had given the waiver to the extent of 35%

as per the third proviso of section 18 of the SARFAESI Act in the Misc. Appeal No. 40/2025 arising out of the interim order passed by DRT in the same Securitization Application No. 194/2024 and between the same parties arising out of the same transaction by the bank.

8. In view of the above, this Appellate Tribunal is of the considered view that ends of the justice would be served if the waiver to the extent of 35 % is granted to the Applicant/Borrower in this Regular Appeal also (yet on Diary Number) on the amount of the sale notice which is Rs. 22,15,39,892.36/- which comes to Rs. 7,75,38,962.30/- be deposited by 4:30 pm on 08.10.2026.

9. With this observation, the I.A. No. 445/2026 is disposed of.

10. 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.

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

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

13. 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.

14. If the deposit is made as stated in para 8 above on or before 4:30 pm on 08.10.2026, list the Appeal on 09.10.2026 for reporting compliance and hearing.

In the event of failure to deposit the said amount till 4:30 pm on 08.10.2026, the Appeal shall stand dismissed automatically without further reference to this Appellate Tribunal.

Sd/-
Chairperson
06.10.2026

VKC-03