

ITEM NO.25

COURT NO.1

SECTION IX

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 for Special Leave to Appeal (C) No. 26357/2024

[Arising out of impugned final judgment and order dated 15-10-2024 in WP No. 1230/2024 passed by the High Court of Judicature at Bombay At Goa]

ADITYA BIRLA FINANCE LTD.

Petitioner(s)

VERSUS

SHASHIKANT GANGAR & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 11-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)

Mr. Atmaram S. Nadkarni, Sr. Adv.  
Mr. Lalit Kataria, Adv.  
Mr. Amey Saletri, Adv.  
Mr. Salvador Santosh Rebello, AOR  
Mr. Raghav Sharma, Adv.  
Ms. Manisha Gupta, Adv.  
Ms. Kritika, Adv.  
Ms. Deepti Arya, Adv.  
Ms. Arzu Paul, Adv.  
Mr. Himanshi Nagpal, Adv.  
Mr. Rishikesh Hardas, Adv.

For Respondent(s)

Mr. Gaurav Agarwal, Sr. Adv.  
Mr. Dhaval Ved, Adv.  
Mr. Shivraj Gaonkar, Adv.  
Mr. Vithal Aditya, Adv.  
Mr. Kailas Bajirao Autade, AOR

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

Issue notice, returnable in the week commencing 10.02.2025.

Mr. Kailas Bajirao Autade, the learned counsel, who is present

in Court on advance notice/caveat waives service and accepts notice on behalf of respondent no. 1, Shashikant Gangar. Hence, notice need not be served on the said respondent.

Notice on the unrepresented respondents will be served by all modes, including *dasti*.

It is submitted that the civil suit is not maintainable and is barred under Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and further the ratio is contrary to the decision of this Court in *Punjab and Sind Bank v. Frontline Corporation Ltd.*<sup>1</sup>

Counter affidavit/reply will be filed within four weeks from today or from the date of service, as the case may be.

Rejoinder affidavit, if any, may be filed within three weeks after service of the counter affidavit/reply.

There will be a stay of further proceedings before the Commercial Court.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

1 2023 SCC OnLine SC 470