

(2023) 06 GUJ CK 0047

In the Gujarat High Court

Case No : R/Special Civil Application No. 9719 Of 2023

AU Small Finance Bank Ltd

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 14-06-2023

Acts Referred:

Securitization And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14

Citation : (2023) 06 GUJ CK 0047

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Dhruvik K Patel, Jay Trivedi

Final Decision : Disposed Of

Judgement

S. Kariel, J

1. Heard learned Advocate Mr. Dhruvik K. Patel on behalf of the petitioner and learned Assistant Government Pleader Mr. Jay Trivedi on behalf of respondent No.1 on advanced copy.

2. By way of this petition, the petitioner has sought for the following reliefs.

"8. The petitioner therefore most respectfully prays to this Court Court that:

(a) Writ of Mandamus or order or direction of appropriate nature directing the respondent to pass appropriate orders in application dated 01.11.2022 against Amishkumar Rathod and ors. (Annexure A) as contemplated under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and to take possession of the Mortgaged schedule property and hand over the same to the Petitioner with directions for police aid as sought in the said application expeditiously and without further delay.

(b) Pending admission, hearing and final disposal of this Petition to direct the Respondent to decide the Securitization Application pending on its file within one

month."

3. Considering the submissions made by learned Advocate Mr. Patel and more particularly having regard to the mandate of the statute as laid down in Section 14 of the SARFAESI Act and also considering the fact that the present petitioner has filed the application before the respondent No.2 on 01.11.2022, it is directed that the respondent No.2 shall take appropriate steps under Section 14 of SARFAESI Act and to pass an appropriate order within a period of 30 days from the date of receipt of this order.

4. With the above direction, the present petition stands disposed of.

5. It is clarified that this Court has not entered into the merits of the matter. Direct service is permitted.