
(2021) 04 GUJ CK 0013

In the Gujarat High Court

Case No : R/Special Civil Application No. 5970 Of 2021 & R/Special Civil Application No. 5971 Of 2021 & R/Special Civil Application No. 5972 Of 2021 & R/Special Civil Application No. 5973 Of 2021

AU Small Finance Bank Ltd

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 06-04-2021

Acts Referred:

Constitution Of India, 1950 — Article 226
Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14

Citation : (2021) 04 GUJ CK 0013

Hon'ble Judges : Vipul M. Pancholi, J

Bench : Single Bench

Advocate : Dhruvik K Patel, Ronak Raval

Final Decision : Disposed Of

Judgement

Vipul M. Pancholi, J

1. By way of the present petition, which is filed under Article 226 of the Constitution of India, the petitioner Bank has prayed that respondent no.2 be directed to expeditiously dispose of an application dated 2.7.2020 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act' for short) against Piyush Jesingbhai Patanvadiya Thakore and Ors.

2. Heard learned advocate Mr. Dhruvik Patel appearing for the petitioner.

3. The main grievance of the petitioner in the present petition is that though the petitioner has filed an application under Section 14 of the SARFEASI Act somewhere in July, 2020, the said application is till date not decided. It is pointed out that as per the provisions contained in Section 14 of the SARFAESI Act, the respondent is required to decide the said application and pass suitable

orders for the purpose of taking possession of the secured assets maximum within 60 days from the date of such application. However, till date, the application filed by the petitioner has not been decided.

4. At this stage, it is pointed out by the learned advocate for the petitioner that in similar type of matters, this Court has considered the grievance of the concerned petitioner and directed the concerned Magistrate to decide the application filed under Section 14 of the SARFAESI Act. It is, therefore, urged that appropriate direction be issued to the respondent.

5. I have considered the submissions canvassed by the learned advocate for the petitioner. I have also perused the material placed on record including the orders passed by the coordinate Bench of this Court as well as the provisions contained in the SARFAESI Act.

6. In the facts and circumstances of the present case, respondent no.2 - Collector & District Magistrate, Bharuch is directed to adhere to the time limit prescribed in the provisions of the SARFAESI Act and take appropriate decision on the application filed by the petitioner as expeditiously as possible.

7. With the aforesaid direction, the petition stands disposed of. Direct Service is permitted.