

(2021) 06 GUJ CK 0043

In the Gujarat High Court

Case No : R/Special Civil Application No. 6269 Of 2021

Federal Bank Ltd

APPELLANT

Vs

State Of Gujarat & 1 Other(s)

RESPONDENT

Date of Decision : 07-06-2021

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) 06 GUJ CK 0043

Hon'ble Judges : Ashutosh J. Shastri, J

Bench : Single Bench

Advocate : VN. Sevak, Manraj Barot

Final Decision : Allowed

Judgement

Ashutosh J. Shastri, J

1. This petition under Article 226 of the Constitution of India is filed for the purpose of seeking the following reliefs :-

â??10(a) To admit and allow the said Special Civil Application;

(b) To direct the Respondent no. 2 â?" District Magistrate, Vadodara to decide the Application No. 40 of 2020 (Caption read as â??Federal Bank Ltd.

v. M/s. Orience Fertichem Pvt. Ltd. & Ors.) filed under Section 14 on 11.02.2020 by the petitioner as expeditiously as possible.

(c) To pass such other and further order/s as may be just and necessary in the circumstances of the case.â??

2. The grievance on the part of the petitioner is that though application under Section 14 of the Securitisation and Reconstruction of Financial Assets

and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the â??

SARFAESI Act?) is given by the petitioner way back in

February, 2020, but yet the authority concerned has not dealt with nor has processed the application for its conclusion and as such left with no other

alternative, the petitioner has invoked extra ordinary jurisdiction of this Court.

3. Mr. V.N. Sevak, learned advocate appearing for the petitioner has requested the Court that at least without expressing anything, direction in

simplicitor form be given upon the respondent â?" authority to deal with the application which has already been submitted way back in February, 2020

and has submitted that some time bound schedule be prescribed at least to be decided within maximum period of sixty (60) days from the date of such

application. For the purpose of substantiating his request, Mr. Sevak, learned advocate for the petitioner has also brought to the notice of this Court

one of the order which has been passed by the co-ordinate Bench of this Court in Special Civil Application No. 3356 of 2021 decided on 19.02.2021 as

well as other orders which have been attached to the petition compilation and has requested that appropriate direction be issued against respondent no.

2 â?" authority to see that the application can be processed at the earliest.

4. As against this, Mr. Manraj Barot, learned Assistant Government Pleader appearing on an advance copy has submitted that on account of this

pandemic situation the application might not have been processed by the concerned District Magistrate, however, if appropriate direction is to be given

on similar line as has been given by this Court in several other matters, there shall be no objection and the authority will abide by the directions which

are to be issued.

5. Thus, considering the aforesaid submissions made on behalf of the respective sides, this Court is of the opinion that the petition deserves to be

disposed of with appropriate directions, which would meet the ends of justice.

5.1. Accordingly, the petition is allowed. Respondent no.2 i.e. District Magistrate, Vadodara is hereby directed to deal with the application submitted

by the petitioner on 11.02.2020 attached to the petition compilation on page 10 and shall decide the same as expeditiously as possible, preferably within

a period of thirty (30) days from the date of the receipt of this Court. It is made clear that this Court has not expressed any opinion on merit and it is

independently left it open for the concerned authority to consider the application in accordance with law.

6. With the aforesaid observations and directions, the petition stands disposed of.
Direct Service is permitted.