

(2023) 08 GUJ CK 0049

In the Gujarat High Court

Case No : R/Special Civil Application No. 14235 Of 2023

Punjab National Bank

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 21-08-2023

Acts Referred:

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

Citation : (2023) 08 GUJ CK 0049

Hon'ble Judges : Nirzar S. Desai, J

Bench : Single Bench

Advocate : VN. Sevak, Jay B Trivedi

Final Decision : Disposed Of

Judgement

Nirzar S. Desai, J

1. By way of this petition, the petitioner has prayed for the following relief/s:

“(a) To admit and allow the said Special Civil Application;

(b) To direct the Respondent No.2 – District Magistrate, Vadodara to decide the Application No.116 of 2022 [Caption read as ‘PUNJAB NATIONAL BANK VS MR. KULDIP LAXMANBHAI PATEL & LAXMANBHAI MOHANBHAI PATEL’] filed under Section 14 on 28.02.2022 (ANNEXURE-A) 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.”

2. Learned advocate Mr. Vivek Sevak states that the petitioner bank has already preferred an application being Misc. Application No.116 of 2022 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the ‘SARFAESI Act’ for short) before the District Magistrate, Vadodara on 28.02.2022 against Mr. Kuldip

Laxmanbhai Patel and Laxmanbhai Mohanbhai Patel. He submitted that though the application was preferred under Section 14 of the SARFAESI Act and though third proviso to Section 14 of the SARFAESI Act specifically provides that the District Magistrate should decide such application within a period not exceeding and aggregating 30 days, the aforesaid application has remained pending before the learned District Magistrate at Vadodara. He, therefore, prays for appropriate direction to the District Magistrate, Vadodara before whom Misc. Application No.116 of 2022 is pending.

3. Heard learned advocate Mr. Sevak and also perused the record of the petition.

4. Considering the fact that the application of the present petitioner is pending since 2022, which can be seen from the memo of the application produced along with the petition, as also considering the provisions of the SARFAESI Act, and more particularly, Section 14 of the SARFAESI Act, without entering into the merits of the matter, following directions are issued.

5. The respondent No.2 – District Magistrate, Vadodara is hereby directed to deal with Misc. Application No.116 of 2022 submitted by the petitioner as early as possible and preferably within a period of 30 days from today, as provided under the Act. It is clarified that this Court has not gone into the merits of the matter.

6. With the aforesaid directions, the petition is disposed of. Direct service permitted.