

(2024) 10 UK CK 0076

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2711 Of 2024

State Bank Of India

APPELLANT

Vs

District Magistrate Pithoragarh & Others

RESPONDENT

Date of Decision : 17-10-2024

Acts Referred:

Securitization And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 13(2), 13(4), 14

Citation : (2024) 10 UK CK 0076

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Ashish Joshi, Shobhit Joshi, Suyash Pant

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of this writ petition, petitioner has sought the indulgence of this Court for a direction to the respondent no.1-District Magistrate, Pithoragarh to decide the application dated 23.12.2023 filed under Section 14 of the SARFAESI Act, 2002 (for short "the Act, 2002") expeditiously.

2. It is contended by learned counsel for the petitioner that a CC limit was issued to respondent no.2. The other respondents are guarantors of the respondent no.2. The term loan was issued to the respondent no.2 of different amounts. Respondent no.2 failed to re-pay the amount of loan and his account was declared as non-performing asset (NPA) on 29.11.2022. Thereafter, the proceedings under Section 13(2) were initiated against the respondent no.2 and other private respondents/ guarantors. The notices were given to the respondent no.2 and other private respondents on 01.08.2023 for an amount of Rs.2,15,20,553/- as on 31.07.2023 to be paid within sixty days from the date of notices. The notices issued by the respondent-Bank were not responded by the borrower/guarantors. Notices under Section 13(4) of the Act, 2002 were issued

to the borrower/guarantors for handing over the symbolic possession of the secured assets. Thereafter, the application under Section 14 of the Act, 2002 was filed by the petitioner-Bank to the District Magistrate, Pithoragarh on 23.12.2023 for transfer of the physical possession of the secured assets to its favour. Surprisingly, the said application is pending disposal since 23.12.2023. Therefore, the petitioner is before this Court for expeditious disposal of the said application by the District Magistrate, Pithoragarh. As per proviso to Section 14 of the Act, 2002, the application under Section 14 of the Act, 2002 shall be decided within thirty days.

3. Without entering into merits of the application moved by the petitioner, this Court feels that prima facie it appears that the application has not been acted upon by the District Magistrate, Pithoragarh as expeditiously as required under Section 14 of the Act, 2002, which gave thirty days time to the District Magistrate from the date of application to decide the said application.

4. In this view of the matter, the writ petition is allowed. A writ of mandamus is issued to the respondent no.1-District Magistrate, Pithoragarh to decide the application of the petitioner dated 23.12.2023 under Section 14 of the Act, 2002, as expeditiously as possible, but not later than fifteen days from the date of production of certified copy of this order in accordance with law.

5. Pending application, if any, stands disposed of accordingly.