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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9844 OF 2014**

M/s. Bhutada Weaving Mill Pvt. Ltd. through Prashant Shivdas Bhutada	Petitioner
Vs.	
Bank of Baroda and Ors.	Respondents

Mr. Arackal Steenson Paulose, for the Petitioner.
Mr. V.S. Gokhale, AGP, for the Respondent Nos.2 and 3.

**CORAM : A.S. OKA &
 VL. ACHLIYA, JJ.**

DATE : 8th OCTOBER, 2015

P.C.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the second and third Respondents. The challenge in this Petition under Article 226 of the Constitution of India is to the order made by the District Magistrate at Solapur under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ~~the~~ he said Act.

2. The learned counsel appearing for the Petitioner invited our attention to the order dated 11th June, 2015 passed by the Sub-Divisional Officer, Pandharpur by which an application made earlier by the first Respondent under Section 14 of the said Act was rejected. He

invited our attention to the order dated 8th July, 2015 passed by the Sub-Divisional Officer, Solapur on the application made by the first Respondent Bank under Section 14 of the said Act. He pointed out that the said application was rejected. He submitted that after the second application was also rejected, the learned District Magistrate, Solapur has passed the impugned order under Section 14. He urged that after the application was rejected on merits by the Sub-Divisional Officer, the learned District Magistrate had no jurisdiction to pass another order on the same application. He, therefore, submitted that gross illegality has been committed. He invited our attention to the fact that the original application was filed on 20th March, 2014 before the District Magistrate which was transferred to the Sub-Divisional Officer, Solapur which is rejected by order dated 8th July, 2015.

3. We have considered the submissions. The first order is passed by the Sub-Divisional Officer, Pandharpur. The said application relates to two properties including the property subject matter of the impugned order dated 24th September, 2015. Perusal of the order dated 11th June, 2015 shows that the said application was not rejected on merits but on technical grounds. We have perused the order dated 8th July, 2015 passed by the Sub-Divisional Officer, Pandharpur on Application No.1 of 2015. Perusal of the order shows that the application was rejected on the ground that it was premature.

4. We have perused the impugned order. The impugned order records a finding that on 14/15th June, 2015, a notice under Sub-section (2) of Section 13 of the said Act was served by the first Respondent. Notwithstanding the service of notice, the amount demanded was not paid within stipulated time. Therefore, a direction has been issued to the Tahsildar/ Executive Magistrate, Mohol to take possession of the secured assets and to deliver it to the first Respondent. We find nothing wrong with the impugned order. In any event, this is not a fit case to entertain the Petition under Article 226 of the Constitution of India. The Petition is rejected.

(V.L. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed
Judgment/order.