

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1221 OF 2015

Kotak Mahindra Bank Limited	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Ms. Medha Rane i/b. Mr. Sanjay
Anabhawane for the petitioner.

Ms. Aparna Vhatkar - AGP for respondent
nos. 1 and 7.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- OCTOBER 10, 2016

P.C. :-

1. This writ petition was placed before us because the Kotak Mahindra Bank Limited complained that several of the applications seeking the assistance of the Collector and District Magistrate, Thane, under Section 14(1) of the SARFAESI Act have not been decided by that competent authority.

2. On the earlier occasion, we orally directed Ms. Vhatkar appearing for the said Collector and District Magistrate to take instructions as to why these state of affairs are prevailing in the office of the said competent authority. We directed that all remaining applications should be disposed within two weeks. On

26th September, 2016 this order was passed and we are informed by Ms. Vhatkar that this order has been duly complied with.

3. The writ petition is still pressed and it is submitted that relief in terms of prayer clause (b) be granted.

4. In that regard, we invite the attention of the Collector and District Magistrate to the recent amendment, which has been inserted in Section 14 of the SARFAESI Act. There are provisos now incorporated below clause (ix) of Sub-section (1) of Section 14 of the SARFAESI Act. The second proviso now mandates that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within a period of 30 days, for reasons beyond his control, he may, after recording reasons in writing for the same, pass the order within such further period, but not exceeding in aggregate 60 days. Therefore, the two provisos below this clause (ix) would enable us to conclude that the authority should endeavour to dispose of the application within a period of 30 days from the date of its receipt. Act 44 of 2016, by which these amendments are inserted, has now been brought into force. With the two provisos, now there is a mandate to dispose of such applications as are brought under Sub-section (1) of Section 14 of the SARFAESI Act. We, therefore impress upon all the parties that they must act in accordance with these statutory

limits, else, the court would have to intervene again. We hope that this occasion would not arise again and at least in the case of the Collector and District Magistrate, Thane.

5. We accept the statement made by Ms. Vhatkar as an undertaking given to this court and dispose of this writ petition. Ms. Vhatkar should send a copy of this order to the Collector and District Magistrate, Thane.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)