

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.597 OF 2016

[Yeshwant s/o Lalchand Sangla and one .vs. Assistant Commissioner of Sales Tax, Nagpur and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.P. Bhandarkar, counsel for the petitioners,
Shri N.R. Rode, AGP for respondent nos.1 to 4,
Shri S.D. Ingole, counsel for respondent no.5.

.....

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 08, 2016.

By this writ petition, the petitioners challenge the order of the District Magistrate, Nagpur, dated 31.7.2015 under the provisions of Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

The petitioners are the borrowers. Since the petitioners had failed to repay the loan for considerable time, the respondent-Bank initiated proceedings against the petitioners under Section 13 of the Act. After the issuance of notice under Section 13 (2) and 13 (4) of the Act, the respondent-Bank filed an application under Section 14 of the Act for securing the actual possession of the property. By the order, dated 31.7.2015, the District Magistrate allowed the application filed by the respondent-Bank.

On hearing the learned counsel for the parties, we find that there is no scope for interference with the impugned order. There is proper compliance of the provisions of Section 14 (a) of the Act, in as much as, all the relevant statements, as required by provisions of Section 14 (a) of the Act, are made in the affidavit filed on behalf of the Bank. Merely because the proceedings

were numbered as Case No.59/2014 and the order makes a wrongful reference to the proceedings, as Case No. 66/2014, the order cannot be set aside, when there was only one proceeding between the parties under Section 14 of the Act and the order is passed therein. The submission made on behalf of the petitioners that the house property of the petitioners is proceeded against due to sheer vengeance is liable to be rejected. We find, on a reading of the impugned order, that the District Magistrate has rightly passed the order thereby facilitating the respondent-Bank in securing the assets.

Since there is no merit in the writ petition, we dismiss the same, with no order as to costs.

Since the order is just and proper, the prayer made on behalf of the petitioners for continuing the interim relief for a period of seven days is rejected.

JUDGE

JUDGE

Gulande