IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8409/2018

India Infoline Finace Ltd. … Petitioner

V/s.

State of Maharashtra & Ors. … Respondents

Ms. Priyank i/b. Shashank N. Fadia for the Petitioner
Ms. J. P. Jadhav, AGP for the Respondent State.

CORAM: K.K. TATED &
S. K. SHINDE, JJ.
DATED : AUGUST 20, 2018

P.C. :

1 Heard. By this petition under Article 226 of the Constitution of India the Petitioner seeks direction against Respondent No.2 to decide Case No.182/SA/2018 filed by them against Manish Mehta & Ors. on 01.03.2018 and 241/SA/2018 against Sunstar Merchantile & Ors. filed on 27.03.2018 u/s.14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (said Act) as early as possible.

2 The learned counsel for the Petitioner relies on a copy of the order passed by the Division Bench of this court dated 10.10.2016 in Writ Petition No.1221/2015 (Kotak Mahindra Bank Ltd. Vs. The State of Maharashtra & Ors.) and order dated 23.01.2017 in Writ Petition No.645/2017 (L & T Housing Finance Ltd. Vs. The State of Maharashtra & Anr.) and states that this court had directed the learned Magistrate to decide the Application u/a.14(1) of the said Act as early as possible.

3 The learned counsel for the Petitioner invites our attention to the recent amendment, which has been inserted in section 14 of the said Act. There are provisos now incorporated below clause (ix) of Sub-section (1) of Section 14 of the said 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. He submits that bare reading of section 14 of the said Act shows that the Authority should endeavor 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 said Act within a particular time.

4 Considering the submissions made by the learned counsel for the Petitioner, the orders dated 10.10.2017 and 23.01.2017 passed by this court, and the amended provisions of section 14 of the said Act, we are of the opinion that the Petitioner has made out a case for allowing the Writ Petition.

5 Hence, following order is passed:

a. The Chief Metropolitan Magistrate or Additional Chief Metropolitan Magistrate to make endavour to dispose of Case No.182/SA/2018 and 241/SA/2018 filed by the Petitioner under section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 before whom same are pending, as early as possible and preferably within 30 days from the date of receipt of writ along with this order.

b. Parties to act on an authenticated copy of this order.

c. Writ Petition stands disposed accordingly.

(S. K. SHINDE, J.) **(K. K. TATED, J.)**