

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8410 OF 2018

DCB Bank Ltd. through the Constituted
Attorney

.....Petitioner

V/s.

The State of Maharashtra, through the
Dist. Magistrate, Thane

.....Respondent

* * * * *

Mr. Nikhil Rajani i/by V. Deshpande & Co. Advocate for the
petitioner.

Mr. A.A. Alaspurkar, Advocate for the respondent.

CORAM : K.K. TATED, &

SANDEEP K. SHINDE, JJ.

TUESDAY, 21 AUGUST, 2018.

P.C. :

1. Heard Learned Counsel for the parties.
2. By this petition, under Article 226 of the Constitution of India, the petitioner is seeking direction to the District Magistrate, Thane to forthwith dispose off Application No. 185/SA/2018 filed by them under the Secrutization &

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFESI Act” for short).

3. Mr. Rajani, Learned Counsel appearing on behalf of the petitioner submits that, as per Section 14 of the SARFESI Act, Magistrate ought to have decided the said Application within 30 days and/or not exceeding 60 days from the filing of the said application. He submits that the petitioner has filed the said application on 7th April, 2018 and till today the same is pending for consideration on its own merits. In support of his contention, he relies upon the order dated 10th October, 2016 in **Writ Petition No. 1221 of 2015 (Kotak Mahindra Bank Limited Versus. The State of Maharashtra and Ors.)** (Coram : Hon'ble S.C. Dharmadhikari & Hon'ble B.P. Colabawalla, JJ)

4. Considering the submission made by the Learned Counsel for the petitioner and the order dated 10th October, 2016 passed by this Court in Writ Petition No. 1221 of 2015, we are satisfied that petitioners have made out a case for allowing this Writ Petition. Hence, the following order is passed :

(a) The Learned District Magistrate is directed to dispose off Application No. 185/SA/2018 filed by petitioners under Section 14 of the SARFESI Act, on its own merits, as early as possible, but in any case, within 30 days from the receipt of the copy of this order.

(b) Writ Petition stands disposed off accordingly.

(c) Parties to act on authenticated copy of this order.

(SANDEEP K. SHINDE, J)

(K.K. TATED, J)

Neeta
Shailesh
Sawant

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Shailesh Sawant
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