

Amk

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

WRIT PETITION NO. 10298 OF 2017

Pegasus Assets Reconstruction Pvt. Ltd. .. Petitioner
Vs.
State of Maharashtra .. Respondent

Mr. Sushil Nimbkar for the Petitioner.
Mr. N. C. Walimbe, AGP for the Respondent-State.
Mr. Nilprasad Chavan, Tahasildar, Satara present in Court.

CORAM : A. A. SAYED & V. L. ACHLIYA, JJ.
DATE : 5th MARCH, 2018.

P. C. :

1. The impugned order which has been passed by the Additional District Magistrate, Satara on the Application u/s. 14 of the SARFAESI Act relies upon the proceedings being Special Civil Suit No. 206 of 2015. Learned Counsel for the Petitioner submits the said proceedings being Special Civil Suit No. 206 of 2015 was not relied upon nor referred to by the Petitioner in the Application. Moreover, the same was not even brought to the notice of the Petitioner, is the submission.
2. We have heard learned Counsel for the parties. We find that the impugned order relies upon material which is not part of the Application and not brought to the notice of the Petitioner. In the circumstances, the impugned order is set aside. The matter is remanded back to the Additional District Magistrate, Satara to decide the Application afresh.
3. Needless to say that in view of the mandate of Section 14, the Additional District Magistrate shall decide the Application expeditiously and in any event not later than 60 days from today.
4. The Petition to stand disposed of.

[V. L. ACHLIYA, J.]

[A. A. SAYED, J.]