

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 3278 of 2019**

- Capital First Limited, Through Its Collection Manager Namely Irfan Khan S/o Mr. Mehman Khan, Aged About 30 Years, Address - C/o I D F C First Bank Ltd., D.B. City Office, 6th Floor, D.B. City Corporate Park, Rajbandha Maidan, G E Road, Raipur, District - Raipur Chhattisgarh

**---- Petitioner****Versus**

1. Chunni Lal Patel S/o Shri Bhanji Bhai Patel
2. Deepak Patel S/o Shri Chunni Lal Patel
3. Dharam Singh Bhai Patel S/o Shri Bhanji Bhai Patel
4. Kapil Patel S/o Shri Amrit Lal Patel
5. Pradeep Patel S/o Shri Dharam Singh Bhai Patel
6. Amrit Lal Patel S/o Shri Bhanji Bhia Patel
7. Ramesh Kumar Patel S/o Shri Bhanji Bhai Patel

All (1 to 7) are R/o New Timber Market, Fafadih, Raipur, Chhattisgarh

8. Umiya Saw Mill New Timber Market, Fafadih, Raipur Chhattisgarh
9. The District Magistrate Raipur District Raipur Chhattisgarh

**---- Respondents**


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For Petitioner : Shri Dharmesh Shrivastava, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****18/09/2019**

1. Heard.
2. The grievance of the petitioner is that an application under Section 14 of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act) was preferred before the District Magistrate for taking possession of the secured assets as respondents No.1 to 8 committed default in payment. It is contended that the order-sheet would reveal that the said application under Section 14 of the SARFAESI Act was filed on 17.12.2018 and as per the proviso clause of Section 14, the District Magistrate should have passed the order within a period of 30 days from the date of application, which can be further extended not exceeding to 60 days. It is submitted that therefore, the direction may be given to respondent No.9 to pass an order on the application filed under Section 14 of the SARFAESI Act, within a stipulated time.

3. Perusal of the order-sheet would reveal that on 17.12.2018 an application under Section 14 of the SARFAESI Act was filed for taking possession. The certified copy of the order-sheet would reflect that no default has been pointed out in compliance to the requirement of Section 14 affidavit. Consequently, since the Section 14 of the SARFAESI Act mandates that the orders have to be passed within a period of 30 days from the date of application and apparently appears that which can further be extended not exceeding 60 days in the proviso clause. Since the application appears to have been filed on 17.12.2018, it is directed that respondent No.9 shall decide the application filed by the petitioner under Section 14 of the SARFAESI Act within a further period of 30 days from the date of receipt of this order.
4. With the aforesaid observation, the writ petition stands disposed of.

SD/-

Goutam Bhaduri  
Judge