

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3276 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. M/s M. M. Saries, Proprietor Rajkumari Dhadiwal, W/o Pramod Kumar Dhadiwal, R/o Shop No. A - 9 And 10, New Cloth Market, Pandri, Raipur District - Raipur Chhattisgarh
2. Smt. Rajkumari Dhadiwal, W/o Pramod Kumar Dhadiwal,
3. Nishant Dhadiwal S/o Pramod Kumar Dhadiwal,

Both (No.2 & 3) are R/o Oak Villa, 148, Sapphire Greens, Vidhansabha Road, Raipur (C.G.) Another Address - Block No. 15, Plot No. 13, Part Plot No. - 17 / 18, Municipal Corporation House No. 31 / 501, Civil Lines, Ward No. 31, Raipur, District - Raipur Chhattisgarh.

4. The District Magistrate, Raipur District - Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Dharmesh Shrivastava, Advocate

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.2 & 3 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 04.12.2018 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.4 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 04.12.2018 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 04.12.2018, it is directed that respondent No.4 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