

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 3594 of 2019**

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

**---- Petitioner**

**Versus**

1. R.S. Car World Pvt. Ltd., R/o. E - 2, R.K.C. Complex, G.E. Road, Raipur Chhattisgarh.
2. R.S. Automobiles, Proprietor - Khushiram Kundani, S/o. Shri Rochamal Kundani, R/o. Main Road Tilda, Raipur, District - Raipur Chhattisgarh. 492001 & Office Number E-1, E-2 (Part), E-6, E-7, E-8, 5th Floor, Quarum Codominium. G.E. Road, Telibandha, Raipur, Chhattisgarh.
3. Khushiram Kundani, S/o. Shri Rochamal Kundani, R/o. D-23, Sector - 2, Bajaj Colony, New Rajendra Nagar, Raipur Chhattisgarh & Office Number E-1, E-2 (Part), E-6, E-7, E-8, 5th Floor, Quarum Codominium, G.E. Road, Telibandha, Raipur Chhattisgarh.
4. Pawan Kumar Sharma , R/o. C-08, Harshit Nagar, Hrapur Road, Raipur Chhattisgarh 492001 & Office Number E-1, E-2 (Part), E-6, E-7, E-8, 5th Floor, Quarum Codominium, G.E. Road, Telibandha, Raipur, Chhattisgarh.
5. 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**

**04.10.2019**

Heard.

1. 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 4 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.

2. 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.
3. With the aforesaid observation, the writ petition stands disposed of.

Sd/-  
Goutam Bhaduri  
Judge