

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1202 OF 2020**

Bank of India, through its Authorized Officer, Branch Pachpedi Naka, Reena Apartment, Patwa Building, Pachpedi Naka, Raipur, District Durg (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (CG)
2. The District Collector and District Magistrate, Durg, District Durg (CG)
3. M/s S.R.T. Agro Science Pvt. Ltd. (Borrower), through Directors: (i) Rajesh Taunk, S/o Basant Taunk (ii) Shrish Taunk, S/o Basant Taunk (iii) Aarti Taunk, W/o Shrish Taunk (iv) Rakhi Taunk, W/o Rajesh Taunk. Having office at Village Funda, Tahsil Patan, District Durg (CG)

... Respondent(s)

For Petitioner	:	Mr. Anand Shukla, Advocate.
For Respondents 1 & 2	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

19.10.2020

1. The limited grievance that the Petitioner-Bank has raised through the present Writ Petition is the non-deciding of their application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "SARFAESI Act") by Respondent No.2.
2. Learned Counsel for the Petitioner submits that the application under Section 14 of the SARFAESI Act was filed as early as on 26.9.2019 and it is about 1½ year that the appeal is still not finalized. According to the learned Counsel for the Petitioner, it is by now a settled proposition of law that the application under Section 14 of the SARFAESI Act does not need any sort of adjudication by the District Magistrate. It is only a simple application after the proceeding under Section 13 has been exhausted, whereby the secured creditor moves an application for taking possession of the property kept mortgaged with the creditor.
3. Given the Petitioner's submission that since it is not an adjudicatory proceeding, the Respondent No.2 should have taken a decision at the earliest or else the very purpose of the enactment of the SARFAESI law becomes redundant.

4. Learned Deputy Advocate General submits that the present Writ Petition itself may be disposed of directing the Respondent No.2 to take a decision at the earliest in accordance with law.

5. Given the aforesaid factual submission as it stands, the Writ Petition at this juncture is being disposed of directing the Respondent No.2 to take a decision on the application under Section 14 of the SARFAESI Act submitted by the Petitioner-Bank, in accordance with law, at the earliest, preferably within a period of 45 days from the date of presentation of certified copy of this order.

6. The Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

sharad