IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14924 of 2020

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IDBI BANK LIMITED

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:
DIGPALSNGH H RATHORE(8083) for the Petitioner(s) No. 1
MR MANRAJ BAROT, AGP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE BIREN VAISHNAV**

Date : 22/12/2020

ORAL ORDER

1. **Rule** returnable forthwith. Learned Assistant Government Pleader Mr.Barot waives service of notice of rule for the respondent - State.

2. With the consent of the learned advocates appearing for the respective parties, matter is taken up for final hearing today.

3. Heard learned advocates appearing for the respective parties through Video Conferencing.

4. In this petition, under Article 226 of the Constitution of India, the prayer is that the District Magistrate, Gandhinagar may dispose of secularization application No.98/2019 filed by the petitioner under Sec.14 of the Mr.Rathore, learned counsel for the petitioner relies on

a decision of this Court of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short `SARFAESI Act') as expeditiously as possible. He relies on an order dated 17.3.2020 passed in SCA No.6602 of 2020 which reads as under:

> *"1. In this petition, under Article 226 of the Constitution of India, the prayer in the petition made by the petitioner reads as under:*
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> > *"(b) To direct the respondent No.2 - District Magistrate, Ahmedabad to decide the Application No.12 of 2019 filed under Section 14 on 05.01.2019 by the petitioner as expeditiously as possible."*
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> *2. It is the case of the petitioner that an application under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short `SARFAESI Act') made on* ***05.01.2019*** *and the respondent No.2 – the District Magistrate,* ***Ahmedabad*** *is not proceeding further.*
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> *3. Accordingly, looking to the statutory provisions and the time frame within which the application has to be decided, the respondent No.2 herein is directed to decide the application filed by the petitioner under Section 14 of the SARFAESI Act,* ***within 30 days*** *from the date of receipt of copy of this order.*
>
> *4. With the aforesaid observations and directions, this petition is disposed of. Direct Service is permitted."*

5. Accordingly, looking to the statutory provisions and the time frame within which the application has to be decided, the respondent authority is directed to

decide the application filed by the petitioner under Section 14 of the SARFAESI Act, **within 30 days** from the date of receipt of copy of this order.

6. With the aforesaid observations and directions, this petition is disposed of. Rule is made absolute to that extent. *Direct Service* is permitted. In addition thereto, the ***Registry*** is requested to communicate this order through email.

(BIREN VAISHNAV, J)

VATSAL / JYOTI