IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16579 of 2020

==========

PUNJAB NATIONAL BANK
Versus
STATE OF GUJARAT & 1 other(s)

==========

Appearance:
MR. VN. SEVAK(3791) for the Petitioner(s) No. 1
MS DHWANI TRIPATHI ASSISTANT GOVERNMENT for the Respondent(s) No. 1,3

==========

CORAM:HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI

Date : 24/12/2020

ORAL ORDER

1. This petition under Articles 226 and 227 of the Constitution of India is filed for the purpose of seeking the following reliefs ;-

> *"(a) To admit and allow the said Special Civil Application.*
>
> *(b) To direct the respondent no. 2 – District Magistrate, Ahmedabad to decide the Application No. 252 of 2018 filed under Section 14 on 05.09.2018 by the petitioner as expeditiously as possible;*
>
> *(c) To pass such other and further order/s as may be just and necessary in the circumstances of the case."*

2. During the course of submission, Mr. V.N. Sevak, learned advocate for the petitioner has submitted that despite the fact that application dated 05.09.2018 given under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "Act"), till date, respondent no. 2 authority has not even

examined, not dealt with and not passed any order, despite the fact that the Statute is requiring the same to be dealt within the stipulated period, hence, has requested that some suitable direction be issued in this context, so that the application can be dealt with as expeditiously as possible. For substantiating his submission, learned advocate for the petitioner has pointed out two decisions delivered by the co-ordinate Bench of this Court which are attached to the petition in which similar directions have been issued. Hence, requested to dispose of the petition with appropriate direction upon respondent no. 2.

3. As against this, Ms. Dhwani Tripathi, learned Assistant Pleader on advance copy has waive service of notice on behalf of the State – authority, including respondent no. 2 and has submitted that in view of the several decisions which are delivered in this issue, same order be passed and respondent no. 2 – authority will surely examine and take appropriate decision on pending application.

4. Having heard the learned advocates appearing for the respective parties and having gone through the material on record, it is undisputed that the application preferred under Section 14 of the Act has not been disposed of though the same is requiring to be disposed of in time bound schedule. Hence, respondent no. 2 is hereby directed to take appropriate decision on pending application dated 05.09.2018 filed under Section 14 of the Act and take appropriate decision as expeditiously as possible but in any case not later than 30 days from the date of the receipt of the writ of this Court.

5. With the aforesaid observation and direction, the present petition stands disposed of.

Direct service through electronic mode is permitted.

(ASHUTOSH J. SHASTRI, J)

NAIR SMITA V./phalguni/