

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1371 OF 2019

Invent Assets Securitisation & Reconstruction
Pvt. Ltd.

..Petitioner

Versus

State of Maharashtra & Anr.

..Respondents

Ms. Vidisha Rohira a/w Ms. Priyanka Fadia i/by Mr. Shashank Fadia,
Advocates for the Petitioner.

Mr. Vikas Mali, AGP for Respondent Nos.1 & 2.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 16th JANUARY, 2020

P.C.

1] The issue of priority of interest of secured creditors vis-a-vis sales tax dues concerning proceedings initiated under SARFAESI Act, 2002 has been decided by this Bench on 13th December 2019 in *Writ Petition No.1039 of 2017 ASREC (I) Ltd. Vs. State of Maharashtra and Ors.*

2] Notwithstanding Section 26E of the SARFESI Act, 2002 not being brought into force but *pari materia* provision being Section 31B of the RDB Act, 1993 being in force, it was held that a secured creditor would have priority of charge over the secured asset vis-a-vis tax dues.

(12) -WP-1371-19.doc.

3] Thus, the Writ Petition is disposed of in terms of prayer
(a) in the Writ Petition.

4] No costs.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
Panchal
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