

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7254 OF 2022**

Kotak Mahindra Bank Ltd. and Anr.Petitioners

V/s.

The State of Maharashtra & Ors.Respondents

Mr. Nikhil Rajani a/w. Ms. Jyoti Sanap and Mr. Apoorva Kulkarni i/b. M/s. V. Deshpande and Co. for petitioners.

Mrs. S.D. Vyas, GP B Panel for State.

**CORAM : K.R. SHRIRAM &
MILIND N. JADHAV, JJ.**

DATED : 1st JULY 2022

PC. :

1 At the outset, Mr. Rajani seeks leave of the Court to amend the cause title to delete the words “through the Chief Metropolitan Magistrate, Esplanade, Mumbai”.

2 Leave granted. Amendment to be carried out forthwith. Re-verification dispensed with.

3 It is petitioners’ case that petitioners’ application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) has not been disposed even though it was filed on 22nd January 2021. Mr. Rajani took the Court through the Roznama which is annexed to the petition at Exhibit “C”.

4 We find from the Roznama that advocate for applicant, i.e., petitioner herein, had concluded the arguments on 15th March 2021 and because respondent’s advocate was absent, the matter was stood over. We

are conscious of the pressure on the Magistrate's Court but at the same time, an application under Section 14 of the SARFAESI Act cannot be kept pending like this for over a year after applicant has concluded its arguments.

5 We are informed by Mr. Rajani that the next date is 5th August 2022. On the next date, the Magistrate shall hear the arguments of respondent and pass the orders within four weeks thereof. If respondent is absent, no adjournment will be granted and the Magistrate shall close the matter for orders.

6 Petition disposed.

7 We clarify that we have not made any observations on the merits of Section 14 application filed by petitioner.

(MILIND N. JADHAV, J.)

(K.R. SHRIRAM, J.)