

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1499 OF 2022

PNB Housing Finance Ltd.
through its Authorised Officer
Shri Roshan S/o. Tulsidas Patil. ... Petitioner

- Versus -

The State of Maharashtra and Others ... Respondents

Ms. Mitisha Kotecha, Advocate for the Petitioner.
Mr. A.A. Madiwale, Assistant Government Pleader for
Respondent Nos.1 to 4.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 29 MARCH 2022

P.C. :

Heard learned Counsel for the parties.

2. On 22 March 2022, following order was passed :-

*“The learned Additional Government
Pleader for the Respondents seeks time to take
instructions as to the status of the application*

filed by the Petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“the Act of 2002”). At his request, stand over to 29 March 2022.

2. If the steps are not already taken, it is open to the Respondent No.2 to proceed to take necessary action.

3. As regards the larger issue of delay in taking steps under Section 14 of the Act of 2002, we have already dealt with the issue in Writ Petition No.1078 of 2022 and issued certain directions.

4. Also on the next date, the Respondent No.4 will file an affidavit as to under which provision the Circular is issued on 15 February 2021 which is impugned in this Petition.”

3. Learned Assistant Government Pleader states that the action under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “SARFAESI Act”) by the Executive Magistrate is taken. The grievance of the Petitioner does not survive. As regards the larger issue regarding recurrence of such incidents, we have passed a detailed order in Writ Petition No. 1078 of 2022, and it is listed for further direction.

4. As regards the Circular issued by the Commissioner of Police dated 15 February 2021 wherein he has directed that at

the stage of providing police assistance to the secured creditor under Section 14 of the SARFAESI Act, there should be an enquiry, the learned Assistant Government Pleader, on instructions, states that it will be withdrawn and fresh circular will be issued.

5. The statement of the learned Assistant Government Pleader regarding withdrawal is accepted. As regards issuance of new circular, we do not wish to comment upon the same and only observe at this stage that to avoid any legal challenges the Commissioner of Police will take necessary legal advice, examine the legal position and then proceed to take further action. The Commissioner of Police will also keep in mind the scheme of the SARFAESI Act and the object of providing speedy methodology for recovery of debts of the secured creditors in the larger interest of the economy of the Country.

6. Since both the grievances of the Petitioner are redressed as above, the Writ Petition is disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)