

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.662 OF 2023

**EDELWEISS ASSET RECONSTRUCTION COMPANY LTD THROUGH ITS
AUTHORIZED SIGNATORY
VERSUS
THE STATE OF MAHARASHTRA THROUGH ASSISTANT
GOVERNMENT PLEADER AND OTHERS**

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Advocate for Petitioner : Mr. Jadhav Aummaheshwari S.
AGP for Respondents/State: Mr. S. B. Yawalkar

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**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 17.01.2023

PER COURT :

1. Heard the learned advocate for the petitioner as also learned AGP
2. The petitioner is aggrieved by the fact that in spite of the order having been passed by respondent no.2 – District Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short ‘SARFAESI Act’] on 30.11.2021, and in spite of making several attempts, the Tahsildar/the Executive Magistrate is not taking steps for taking over possession of the secured asset.

3. Learned advocate for the petitioner submits that though the debtor had approached the Debts Recovery Tribunal, Aurangabad in Securitisation Application No.44/2022, by order dated 08.02.2022, the borrower was expected to deposit Rs.5,00,000/- and to give a post-dated cheque of an equal amount as a condition for stopping the possession being taken pursuant to the order, but the condition has not been complied with till date.

4. We dispose of the writ petition by directing respondent nos.2 to 5 to take emergent steps for executing the order passed under Section 14 of SARFAESI Act, obviously if not stayed by the Debts Recovery Tribunal.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer