

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

WRIT PETITION NO.2094 OF 2023

**SHRIRAM HOUSING FINANCE LIMITED THROUGH
AUTHORIZED OFFICER PRAMOD S. SUPEKAR
VERSUS
THE DISTRICT MAGISTRATE AND COLLECTOR AND OTHERS**

....

Mr. Dhananjay K.Thote along with Mr. Anand V. Indrale (Patil),
Advocates for petitioner
Mr. A. S. Shinde, AGP for the State

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

DATE : 20.02.2023

PER COURT :-

Heard the learned advocate for the petitioner as also
the learned AGP

2. The petitioner is a private finance company, seeking
execution of the order passed by the District Magistrate dated
04.10.2019 under Section 14 of the Securitization and
Reconstruction of Financial Assets and Enforcement of Security
Interest (SARFAESI) Act, 2002.

3. Learned AGP points out that the borrower has approached the Debt Recovery Tribunal (DRT) and the matter is pending there. Attempts were made to execute the order, but once it was cancelled since the Tahsildar had delegated the powers to his subordinates and thereafter on a statement made on behalf of the petitioner before the DRT that the talks for settlement were going on.

4. Learned advocate for the petitioner submits that the borrower was supposed to approach it for settling the dues as is indicated in the order of the DRT dated 05.04.2022, but he is neither approaching the petitioner nor are the respondent authorities executing the order of the District Magistrate without there being any stay.

5. We dispose of the writ petition by directing the respondent No.3 to execute the order under Section 14 of the SARFAESI Act, 2002 as expeditiously as possible and in any event within four weeks, unless it is stayed.

[S. G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]