

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

934 WRIT PETITION NO.14584 OF 2023

DWARAKADAS MANTRI NAGARI SAHKARI BANK LTD THROUGH ITS
AUTHORISED OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. L.H. Kawale h/f. Suryawanshi Kamlakar J.
AGP for Respondents/State : Mr. P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 30th November, 2023**

PC. :-

1. This petition is preferred by the Bank for a limited purpose. Various rounds of litigation between the Petitioner and the Borrower have concluded. By judgment dated 02.01.2021 delivered in RCS No.91/2018, the learned trial Court has concluded that the suit is not maintainable as barred by Section 34 of the SARFAESI Act.

2. We have perused the order passed by this Court dated 30.01.2023 in Writ Petition No.942/2023 and connected matters and the order dated 19.01.2023 passed in Writ Petition No.705/2023, by which, this Court has concluded on the basis of law crystallized by the Hon'ble Supreme Court that

the concerned authorities are under an obligation to execute an order passed under Section 14 of the SARFAESI Act within the prescribed time limit.

3. In view of the above, in the event of there being no legal impediment, Respondent No.2 shall ensure that the competent officer directed by the concerned authority would execute the order dated 08.02.2010 passed under Section 14 of the SARFAESI Act, within the timeline as is prescribed. **The Writ Petition is, therefore, disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]