

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15285 OF 2022

L and T Finance Limited)...Petitioner
V/s.
The State of Maharashtra and Anr.)...Respondents

WITH
WRIT PETITION NO. 939 OF 2023
WITH
WRIT PETITION NO. 924 OF 2023
WITH
WRIT PETITION NO. 930 OF 2023
WITH
WRIT PETITION NO. 937 OF 2023
WITH
WRIT PETITION NO. 1249 OF 2023
WITH
WRIT PETITION NO. 1722 OF 2021
WITH
WRIT PETITION NO. 10846 OF 2022
WITH
WRIT PETITION NO. 10848 OF 2022
WITH
WRIT PETITION NO. 15718 OF 2022
WITH
WRIT PETITION NO. 11312 OF 2022
WITH
WRIT PETITION NO. 409 OF 2023
WITH

WRIT PETITION NO. 666 OF 2023
WITH
WRIT PETITION NO. 339 OF 2023
WITH
WRIT PETITION NO. 15713 OF 2022
WITH
WRIT PETITION NO. 306 OF 2023
WITH
WRIT PETITION NO. 14922 OF 2022
WITH
WRIT PETITION NO. 907 OF 2023
WITH
WRIT PETITION NO. 970 OF 2023
WITH
WRIT PETITION NO. 922 OF 2023
WITH
WRIT PETITION NO. 1460 OF 2023
WITH
WRIT PETITION NO. 140 OF 2023
WITH
WRIT PETITION NO. 138 OF 2023
WITH
WRIT PETITION NO. 278 OF 2023
WITH
WRIT PETITION NO. 279 OF 2023
WITH
WRIT PETITION NO. 647 OF 2023
WITH
WRIT PETITION NO. 973 OF 2023
WITH
WRIT PETITION NO. 974 OF 2023
WITH
WRIT PETITION NO. 1425 OF 2023
WITH
O.S.WRIT PETITION (L) NO. 37207 OF 2022

Dr.Birendra Saraf, Advocate General with Mr.P.P.Kakade, GP, Ms.Shruti D. Vyas, 'B' Panel Counsel and Mr. Sukanta Karmarkar, AGP, for the Respondent- State.

Mr.S.R.Nargolkar with Mr.Arjun Kadam for Respondent Nos.2 and 3 in WP No.15285/22.

Mr.Shashank Fadia with Priyanka Fadia, Advocate for the Petitioners in WP Nos.15285/22, 924/23, 922/23, 970/23 and 647/23.

Ms. Apoorva Kulkarni i/b. M/s.V.Deshpande & Co. for the Petitioners in WP Nos.973/23, 974/23, 10848/22, 10846/22, 15713/22, 1460/23, and 11312/22.

Mr.Shadab Siddiqui i/b. R.L.Motwani, Advocate for the Petitioners in W.P.No. 930/23, 937/23 & 922/23.

Mr. Aditya Lele a/w. Ms. Rujuta Karve i/b. Mr. Mandar Lalsare, Advocate for the Petitioner in W.P.No.425/23, 339/23, 306/23.

Mr.S.S.Panchpor for the Petitioners in WP Nos.278/23 and 279/23.

Mr. Prafull Chipte i/b. Mr.Sanjay Anbhawane for the Petitioners in WP Nos.138/23, 140/23, 1249/23, 939/23 & 939/23.

Mr.Archit Virmani with Mr.Atul Gupta for the Petitioner in WP No.15718/22.

Ms.Priya Nigwekar i/b. Mr.O.A.Das for Petitioner in WP-1722/21.

Mr.Charles D’Souza with Nikhil Rajani for Petitioner in WP No.11312/22.

Ms.Kamini Pansare i/b. VM Legal for the Petitioner in WP-907/23.

Ms. Mahima Shah i/b. Intralegal, Advocate for the Petitioner In W.P.No.666/23.

Mr.Shriram Choudhari for Respondent No.3 in WP No.666/23.

Mr.Siddharth Samantray with Mr.Alok Mishra for the Petitioner in (O.S.) WPL No.37207/22.

Ms.P.V.Sawant, Registrar, CMM Court is present.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 17 MARCH 2023

P.C.

Heard the learned Counsel for the parties.

2 On 9 February 2023, a detailed order was passed and the Petitions were adjourned till today to oversee the progress as both the learned Advocate General and the learned Counsel for the High Court Administration had assured the court that

steps would be taken in respect of pending applications under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the “SARFAESI Act”) and in cases where there is non-implementation of the orders passed.

3 The learned Counsel for the High Court Administration has placed before us a chart stating that from 9 February 2023, in a special drive conducted, 536 applications have been disposed of. However, we note that it is not a major figure compared to the pendency which as of 10 March 2023 is around 4975 and therefore efforts taken will have to be continued. The learned Counsel informs that the High Court Administration proposes to issue instructions that as far as feasible the applications can be taken up on working Saturdays and they would be distributed by the Chief Metropolitan Magistrate to different Magistrates, as in Chief Metropolitan Magistrate’s court at Mumbai 2235 applications are still pending. We also note that the figure for Thane is 1064.

4 The learned Counsel for the High Court Administration states that as on today, there is no separate category assigned to the applications under Section 14 of the SARFAESI Act in the Case Information System (C.I.S.) Software. Steps can be taken

to create a category so that the cases can be identified for the special drive.

5 The learned Advocate General has placed before us a chart of the cases that as on today 21564 applications are pending in Maharashtra and 12590 have been disposed of. He has placed on record certain communications issued by the Government to the Divisional Officers. The learned Advocate General states that the State is in process of issuing further guidelines and they will be placed on record.

6 In light of the above submissions made, it is not necessary for us to keep all the Petitions pending except Writ Petition no.15285 of 2022 since it arises from the proceedings initiated before the Chief Metropolitan Magistrate's Court and Writ Petitions no.278 of 2023 and 279 of 2023 which are in respect of District Collector and also in respect of implementation.

7 Writ Petition No.15285 of 2022, Writ Petition No.278 of 2023 and Writ Petition No.279 of 2023 are adjourned to **17 April 2023**. To be listed under the caption "For directions".

8 Writ Petition No.939 of 2023, Writ Petition No. 924 of 2023, Writ Petition No. 930 of 2023, Writ Petition No. 937 of 2023, Writ Petition No. 1249 of 2023, Writ Petition No. 1722

of 2021, Writ Petition No. 10846 of 2022, Writ Petition No. 10848 of 2022, Writ Petition No. 15718 of 2022, Writ Petition No. 11312 of 2022, Writ Petition No. 409 of 2023, Writ Petition No. 666 of 2023, Writ Petition No. 339 of 2023, Writ Petition No. 15713 of 2022, Writ Petition No. 306 of 2023, Writ Petition No. 14922 of 2022, Writ Petition No. 907 of 2023, Writ Petition No. 970 of 2023, Writ Petition No. 922 of 2023, Writ Petition No. 1460 of 2023, Writ Petition No. 140 of 2023, Writ Petition No. 138 of 2023, Writ Petition No. 278 of 2023, Writ Petition No. 279 of 2023, Writ Petition No. 647 of 2023, Writ Petition No. 973 of 2023, Writ Petition No. 974 of 2023, Writ Petition No. 1425 of 2023 and Original Side Writ Petition (L) No. 37207 of 2022 are **disposed of**.

9 We make it clear that this order does not mean that we have reflected on the merits of the dispute of each of the cases and the directions are issued only to ensure that the process of disposal and pendency of applications under section 14 of the SARFAESI Act, is streamlined.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)