IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 970 OF 2023
IN
WRIT PETITION NO. 15704 OF 2022

Vinay Kumar Dubey … Applicant

IN THE MATTER BETWEEN

State Bank of India … Petitioner

versus

Tahsildar and Taluka Executive
Magistrate, Panvel, Raigad & Ors. … Respondents

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Mr. Ramakant Paranjape for the Applicant.
Mr.Subir Kumar with Ms. Disha Shah i/b. SDS Advocates for the Petitioner.
Ms. Shruti D. Vyas, 'B' Panel Counsel for the State.

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CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 9 FEBRUARY 2023

P.C. :-

The interim application is filed for recall of the order dated 22 December 2022 passed by the Division Bench of this Court (Coram: Nitin Jamdar and Gauri Godse, JJ.) on the ground that the Petitioner has interest in the subject property. On 22 December 2022, following order was passed :-

> *" This is yet one more matter where the grievance is made by a financial institution that steps under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2022 are not being taken to the logical end. It is unnecessary and unwarranted for the financial institutions to come to the High Court only for such ministerial directions. The District Magistrate/Collector, Raigad shall give audience to the Petitioner in the week commencing from 26 December 2022 and take necessary steps after understanding the grievance of the Petitioner. We place the responsibility on the Collector to give personal audience to the Petitioner so that situation such as present one do not recur.*
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> *2. Writ Petition is disposed of".*

All that was stated in this order was that section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, postulates a ministerial action and only for a grievance that the application is kept pending, the secured creditor need not be driven to approach the writ court and therefore, we had placed the responsibility on the Collector to give personal audience to the Petitioner so that appropriate steps can be taken and the petition was disposed of. There was no adjudication on the rights of the parties and the Collector was only reminded of the nature of the proceedings.

2. It is settled law that any person aggrieved by action taken by the secured creditor under section 14 of the SARFAESI Act has a remedy of approaching the Debt Recovery Tribunal. It is always open to the Petitioner to approach the DRT.

3. With these observations, the interim application is disposed of.

ABHAY AHUJA, J. **NITIN JAMDAR, J.**