



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1741/2022

State Bank of India, Yavatmal through its Manager

...Versus...

Ms. Shital wd/o Damodar Meshram another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. M. Anil Kumar, Advocate for petitioner
Mr. S.S. Dhengale, Advocate for respondent no.1
Mr. S.A. Chaudhari, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE AND
URMILA JOSHI-PHALKE, JJ.

DATE : 21/08/2023

1. The petition challenges the communication dated 01/02/2022 by the National Commission for Scheduled Castes, by which, a communication has been sent to the Chairman, State Bank of India that no final decision may be taken without consulting the Commission as the matter is under examination of the Commission, as per the provisions of para 7.2 (a) vii of the Rules of Procedure of National Commission for Scheduled Castes. The effect of this communication is that the proceedings before the Debts Recovery Tribunal under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act" hereinafter) are not being finally concluded.

2. In our considered view, the National Commission for Scheduled Castes has no jurisdiction whatsoever to comment or pass any order relating to proceedings under the SARFAESI Act before the Debts Recovery Tribunal. The impugned communication dated 01/02/2022 therefore is without any jurisdiction. The same is hereby quashed and set aside. The writ petition is accordingly allowed in the above terms.

3. It is made clear that the SARFAESI Act proceedings before the Debts Recovery Tribunal and all consequential proceedings before the Collector shall be proceeded and concluded to its logical end.

4. No order as to costs.

(URMILA JOSHI-PHALKE, J.)

(AVINASH G. GHAROTE, J.)