



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 7067 of 2023**

Bank of Baroda, Nagpur, through
its Authorized Signatory.

.. Petitioner

..Versus..

The State of Maharashtra and others. . Respondents

Mr. A.T.Purohit, Advocate for petitioner.

Mr. H. D. Marathe, Assistant Government Pleader for
respondents.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
A.S. CHANDURKAR, J.**

DATE : 20th OCTOBER, 2023.

P.C.

Heard Mr. Purohit, learned Counsel for the petitioner
and Mr. H.D.Marathe, learned Assistant Government
Pleader, who has put in appearance and waives service of
notice for respondents.

2. At the outset, learned Counsel for the petitioner
states that he may be permitted to not press prayer
clause(B), which is reproduced as under:

*“(B) Hold an enquiry as to why the Respondents
have failed to act in accordance with law and
more particularly in accordance with
Govt.Resolution dated 22.04.2019 (Annexure-E)
and the directions issued by this Hon’ble Court in
the matter of International Asset Reconstruction
Company Pvt. Ltd. Vs. Union of India; 2011 All
MR (Cri) 3000 and in the matter of Writ Petition
No.1078/2022 (mentioned supra) and award
appropriate penalty/punishment upon the*

respondent.”

3. Permission as prayed for is granted.

4. As regards prayer clause (A), it is the submission of the learned Counsel for the petitioner that an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act) was passed by the District Collector, Nagpur, on 23.02.2017 in Case No.182/2016. However, actual physical possession of the secured assets has yet not been handed over to the petitioner, which is a Bank, causing impediment in recovering the amount due against the defaulter. He has drawn our attention to the Government Circular dated 22.04.2019 issued by the Government of Maharashtra for effective implementation of the orders passed under Section 14 of the SARFAESI Act.

5. We do not see any reason as to why the possession of the secured assets could not be given to the petitioner even after passage of period of six years from the date of passing of the order by the District Collector under Section 14 of the SARFAESI Act.

6. In the aforesaid view, we direct that the District Collector concerned shall ensure execution of the order dated 23.02.2017 with expedition, say within a period of two months from the date certified copy of this order is produced before him, provided there is no legal impediment.

7. With the aforesaid observations and directions, the writ petition is finally disposed.

(A.S. CHANDURKAR, J.)

(CHIEF JUSTICE)

Andurkar..