



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

924 WRIT PETITION NO. 11486 OF 2024

A.U. Small Finance Bank Limited
Through Its Authorized Signatory

..Petitioner

Versus

The State of Maharashtra
Through The Collector and Another

..Respondents

.....

Shri. Pramod S. Brahmane, Advocate for the Petitioner
Smt. Dr. Kalpalata Patil Bharaswadkar, Addl. G. P. for the Respondents /
State

.....

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : OCTOBER 15, 2024

PER COURT :-

. By the present Writ Petition, the Petitioner – Bank has
prayed for the following reliefs :

- “A) This Writ Petition may kindly be allowed.
- B) By way of appropriate Writ order or direction in the like nature, this Hon’ble High Court may kindly direct the respondent no.2, District Magistrate Aurangabad to decide the Miscellaneous Application filed under section 14 of Securitization Act, 2002 dated 26.05.2023 and pass orders for the purpose of taking possession of the secured assets / property.
- C) Pending hearing and final disposal of this Writ Petition, this Hon’ble High Court may kindly direct the respondent no.2, District Magistrate Aurangabad to decide the Miscellaneous Application filed under section 14 of Securitization Act, 2002 dated 26.05.2023 and pass orders for the purpose of taking possession of the secured assets / property.
- D) Ad-interim relief in terms of prayer clause ‘C’ may kindly be granted in favour of the petitioner.”

2. Learned Advocate for the Petitioner submits that pursuant to Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short, 'the SARFAESI Act'), the Petitioner – Bank has moved the Application to Respondent No.2 on 26.05.2023 and the same is pending without any decision. He further submits that the Petitioner - Bank is restricting relief in terms of prayer clause 'B'.

3. The learned Addl. G. P. submits that appropriate order be passed.

4. There is no dispute that the Application under Section 14 of the the SARFAESI Act has been submitted to the Respondent No.2. The copy of said Application filed by the Petitioner – Bank is at Annexure 'C'. The provisions of the said section shows that Respondent No.2 was required to decide the said Application within the stipulated period i.e. 30 (Thirty) days and if not, within the extended period of 60 (Sixty) days thereafter, giving reasons for delay.

5. In view of the above, Writ Petition is allowed in terms of prayer clause 'B'.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP