

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.300 OF 2024

ASREC (INDIA) LTD.,
Versus

... PETITIONER

FASTGROWTH HOSPITALITY LLP AND 10
ORS

... RESPONDENTS

Mr V. R. Dhond, Senior Advocate with Ms Akanksha Saxena, Ms Jinelle Gogri and Mr Rui Gomes Pereira, Advocates for the Petitioner.

Mr S. R. Rivankar, Senior Advocate with Mr Rama Rivankar for Respondent No. 1.

Mr D. Pangam, Advocate General with Mr S. Priolkar, Additional Government Advocate appearing for Respondent Nos. 10 and 11.

**CORAM:- M. S. SONAK &
AVINASH G. GHAROTE, JJ.**

DATED :- 20th March, 2024

P.C.

1. Heard Mr Dhond, Senior Advocate with Ms Akanksha Saxena, Ms Jinelle Gogri and Mr Rui Gomes Pereira, learned counsel appearing for the Petitioner, Mr S. R. Rivankar, Senior Advocate along with Mr Rama Rivankar for the first Respondent. Mr D. Pangam, learned Advocate General along with Mr S. Priolkar, Additional Government Advocate appearing for Respondent Nos. 10 and 11.

2. The Respondent Nos. 2 to 9 are the Directors/Flat Owners. Considering the reliefs prayed for in this petition and the order that is

proposed to be made, we do not think it necessary to issue any notices to Respondent Nos. 2 to 9.

3. The Petitioner, seeks a direction to the District Magistrate to dispose of the Petitioner's application dated 08.11.2023, and to the Mamlatdar to proceed with the action under Section 14 of the SARFAESI Act and to take possession of the mortgaged properties.

4. The learned Advocate General states that the District Magistrate will dispose of the Petitioner's application dated 08.11.2023, within 15 days from today. Further, the learned Advocate General states that even the Mamlatdar will complete the action under Section 14 of the SARFAESI Act within 15 days from the clarification that would be issued by the District Magistrate.

5. Mr. S. R. Rivankar states that Respondent No.1 has proposed a settlement and in pursuance of the same, an amount of Rs. 1,25,00,000/- has already been deposited with the Petitioner. If any settlement talks are on, they can always proceed. However, there is no necessity to delay the pending proceedings on that count.

6. Therefore, by accepting the statement made by the learned Advocate General and directing the District Magistrate and the Mamlatdar to act consistent with the same, we dispose of this petition.

7. Considering the chequered history of this matter, we expect the District Magistrate and the Mamlatdar to adhere to the timelines now prescribed. The excuse about the code of conduct or elections should not be cited in this case.

8. The Petition is accordingly disposed of in the above terms. All concerned to act on an authenticated copy of this order.

AVINASH G. GHAROTE, J.

M. S. SONAK, J.