

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11192 OF 2024

Kotak Mahindra Bank Limited

..... Petitioner

VERSUS

The State of Maharashtra & Anr.

..... Respondents

Ms. Chinmayee Ghag i/b. Zastriya for the Petitioner.

Mr. S. P. Kamble, A.G.P. for the State.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 3rd DECEMBER, 2024

P.C. :-

Mentioned out of turn.

2. Heard. The challenge raised in this writ petition is to the communication dated 11th December 2023 issued by the Additional Collector thereby disposing of the application preferred by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of

Security Interest Act, 2002 (for short SARFAESI Act, 2002) dated 28th November 2023 on the ground that there were three deficiencies therein.

3. The learned counsel for the petitioner submits that by the impugned communication, the said deficiencies were pointed out and on the same day, the proceedings came to be terminated. She submits that the petitioner be permitted to remove the said deficiencies after which the proceedings could be restored for further consideration.

4. The learned Assistant Government Pleader for the respondents submits that unless the deficiencies are removed, the application under Section 14 of the SARFAESI Act of 2002 cannot be considered.

5. In our view, on the petitioner's complying with the deficiencies indicated in the impugned communication dated 11th December 2023, the application dated 28th November 2023 preferred by the petitioner deserves to be restored for

consideration. There would not be any reason to require the petitioner to file a fresh application.

6. In view of the aforesaid, the following directions are issued :-

(a) The petitioner shall within a period of two weeks from today comply with all the deficiencies mentioned in communication dated 11th December 2023.

(b) On the said documents being supplied and the deficiencies being cured, the application dated 28th November 2023 filed under Section 14 of the Act of 2002 shall be restored and shall be decided on its own merits and in accordance with law.

(c) In addition, the petitioner shall place before the Additional Collector its certificate of registration under Section 26D of the SARFAESI Act of 2002.

7. The Writ Petition is disposed of in the aforesaid terms.

8. Parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]