



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13515 OF 2024

PAX ENTERPRISES PVT. LTD. & ANR. ..PETITIONERS

VS.

**CHIEF JUDICIAL MAGISTRATE AT
THANE THR. SEC. GOVT. OF MAHARASHTRA
HOME DEPT. & ORS. ..RESPONDENTS**

Adv. Prashant D. Jadhav a/w. Adv. Madhusmita Sahoo for petitioners.
Adv. S. R. Nargolkar (through online) a/w. Adv. Neeta Patil for
respondent no.1.

Adv. Sarang S. Aradhye a/w. Adv. Gauri Velankar, Adv. Shantanu
Gurav, Adv. Saarth Chordia, Adv. Shruti Kothavade for respondent
no.3.

Mr. V. M. Mali, AGP for respondent – State.

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

DATE : 30th September 2024.

P.C. :

1. Heard.

2. The challenge raised in the Writ Petition is to the order dated
19th July 2024 passed by the learned Chief Judicial Magistrate, Thane
in proceedings initiated by the respondent no.2 under Section 14 of
the Securitisation and Reconstruction of Financial Assets and
Enforcement of Securities Interest Act, 2002 (for short 'the said Act').

3. The petitioners filed an Intervention Application in the said
proceedings and submitted that the documents filed by them be

taken into consideration while deciding the application under Section 14 of the said Act. It was their case that the Bank did not place on record the relevant documents indicating the correct factual position. The learned Magistrate after referring to the judgment of this Court in *Phoenix ARC Private Limited and others Vs. State of Maharashtra and others* (Writ Petition No. 9749 of 2021) held that under the limited jurisdiction available, it would not be permissible to accept the contentions of the applicants.

4. Having heard learned counsel for the petitioners, we do not find any reason to interfere with the impugned order in exercise of writ jurisdiction. The provisions of Section 14(1) of the said Act clearly delineate the jurisdiction available with the learned Magistrate while considering the application under Section 14 of the said Act. This Court in *Phoenix ARC Private Limited* (supra) has clarified the aforesaid jurisdictional aspect. The grievance of any party aggrieved can be raised under Section 17 of the said Act. Hence, we are not inclined to exercise writ jurisdiction.

5. The petitioners are at liberty to avail the appropriate remedy in case they are aggrieved by the order passed under Section 14 of the said Act.

6. All contentions raised on merits are kept open.

7. The Writ Petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]