



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.
WRIT PETITION NO.1639 of 2024

Union Bank of India (Erstwhile Andhra Bank), Nagpur through its
Authorized Officer Shri Shivnath Tripathy

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D.Ingole, Advocate for petitioner.

Shri D.V.Chauhan, Government Pleader for respondent nos. 1 to 4 and 6.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 7th MARCH, 2024.

P C.

Heard.

2. In Para 23 and more particularly clause (e) of para 23 of the judgment of the Division Bench of this Court (Principal Seat at Bombay) in the matter of *L & T Finance Limited vs. State of Maharashtra and others* reported in **[2023 SCC Online Bom 931]**, the following observations have been made:

“23. Thus, we disposed of this writ petitions directing as follows:

(a) The application filed by a secured creditor under Section 14 of the SARFAESI Act with due compliance (the application) should be disposed of by the District Magistrate/Collector in the State of Maharashtra not later than 30 days of the application is filed.

(b) Every order (Order) passed by the District Collector under Section 14 of the SARFAESI Act should be implemented and executed not later than four weeks of the passing of the order.

(c) If the officers entrusted with implementation of the order are engaged in other pressing public duties, the option of appointing an advocate to implement the order be explored within the parameters of the law. The same option can also be considered by the Judicial Magistrate, if so permissible in law.

(d) The District Magistrates/Collectors shall submit a report giving the details of the applications which have not been disposed of within thirty days or any order which has not been implemented within thirty days with reasons thereof to the Divisional Commissioner in the first week of each month.

(e) Any party whose application is not disposed of within sixty days of its filing or the order has not been implemented within sixty days of passing, it may make representation to the Divisional Commissioner who shall within 15 days of receipt of the representation consider the representation and after satisfying that there is no justifiable reason, will pass appropriate directions to ensure that the application is disposed of or the order is implemented within fifteen days of the direction.

(f) Each District Magistrate/Collector shall maintain proper details and records of the filing of the applications, the disposal thereof, the implementation of the orders and submit monthly statistics in that regard to the Divisional Commissioner on or before the seventh day of the following months in the specified format of submissions.

(g) The State Government will take steps to implement an e-system placing information on an online platform regarding the applications, such as the date of filing of the application, the date of passing the order on the application, and the date of implementation of the order, on an online platform. The same shall be done within a period of sixteen weeks from today.

(h) The High Court Administration would consider issuing necessary directions to the Chief Metropolitan Magistrate to take a special drive for the disposal of pending applications under Sections 14 of the SARFAESI Act.

(i) The High Court Administration would consider creating a separate category in the case information system software for the applications under Section 14 of the SARFAESI Act so that these cases can be identified for the special drive”

2. In view of above and considering the nature of claim made in the petition, we deem it appropriate to delegate the petitioner to the Divisional Commissioner for redressal of it's grievances. The Divisional

Commissioner shall deal with the grievances of the petitioner in a time bound as has been ordered by the Division Bench in *L & T Finance Ltd.* (supra).

With these directions, the writ petition stands disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.