

ML-130
09.07.2025
d.p.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12033 of 2025

S.M.F.G. India Home Finance Co. Ltd.
Vs.
The State of West Bengal & Ors.

Ms. Soni Ojha,
Ms. Sambrita B. Chatterjee.
...For the Petitioner.

1. Affidavit of service filed in Court today is taken on record.
2. The application filed by the petitioner before the Additional Chief Judicial Magistrate, Bishnupur under Section 14 of the SARFAESI Act on 25th April, 2024 is pending disposal. The petitioner prays for disposal of the same.
3. Section 14(1) of the SARFAESI Act (2nd proviso) 2002 postulates that on receipt of the affidavit from the authorised officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application.
4. The next proviso mentions that if no order is passed by the Chief Metropolitan Magistrate or the District Magistrate within the aforesaid period of thirty days for reasons beyond his control, he may, after recording

reasons in writing for the same, pass the order within such further period but not exceeding in aggregate sixty days.

5. The date fixed by the Magistrate is beyond the statutory period of sixty days.
6. The learned Magistrate ought to have appreciated that the time limit fixed in the Act is for the purpose of timely disposal of the Section 14 application. The primary object of the Act is for recovery of the loan amount where time is the essence. Any delay in taking steps to proceed with the application under Section 14 will result in further delay of recovery of the loan amount.
7. The instant writ petition is, accordingly, disposed of by observing that the concerned Magistrate shall take steps in the matter strictly in accordance with law and not otherwise.
8. Time and again it has been brought to the notice of the Court that the authorities mentioned under Section 14 of the Act fail to take steps within the time limit stipulated therein. The act of the said authorities in not taking timely steps, is contrary to the provision of law.
9. Inaction on the part of the authorities often gives rise to series of legal complications and litigations which could have been avoided had the authorities acted in a time bound manner. It goes without saying that the Section 14 authorities are required to act strictly within the time frame stipulated in the Act.
10. Let this order be communicated by the learned Registrar General of this Court to all the District Magistrates, Chief Metropolitan

Magistrates and Chief Judicial Magistrates of the State for necessary compliance.

11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)