

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2325 OF 2024

Swami Samarth Sahakari Sakhar Kharkhana ...Petitioner
Ltd

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Abhijit Kulkarni for the Petitioner.

Mr. A.I. Patel, Addl. Govt. Pleader a/w Smt. G.R. Raghuwanshi,
Assistant Govt. Pleader for the Respondent/State.

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**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 16th JANUARY 2025

P.C. :

1. By this Writ Petition, the Petitioner seeks to raise a challenge to the order dated 07.02.2017 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. In paragraph 8 of the Writ Petition, it has been stated as under.

“8. The cause of action for the present petition have arisen on 7th February 2017, when, impugned order is passed. The newly elected Body of the Petitioner came to know about the said impugned order only after 24th January 2024 when the Advocate of the Respondent No.4-Bank served notice of WP/1290/2014 although without any memo of petition or

annexures thereto. Therefore, on 5th February 2024, advocate of the Petitioner sought papers of WP No. 1290 of 2024. The Advocate for the Respondent No.4 bank served papers of WP No. 1290 of 2024 on 5th February 2024 when he Petitioner came to know about the impugned order. Thereafter, the Petitioner submitted papers connected with this matter with the earlier advocate at Mumbai for filing Writ Petition and immediately approaching this Hon'ble Court without any in-ordinate delay".

3. After hearing the learned counsel for the Petitioner, we find that the Writ Petition suffers from unexplained delay and laches on the part of the Petitioner. Being a society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960, the explanation as furnished by the Petitioner, is not sufficient to justify inaction on the part of the Petitioner from February 2017.

4. In that view of the matter, we are not inclined to entertain the Writ Petition on the ground of unexplained delay and laches. Needless to mention that we have not examined the merits of the challenge as raised.

5. Writ Petition is disposed of as not entertained.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)