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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.12978 OF 2024
IN
WRIT PETITION NO. 10889 OF 2024**

Chaitanya Bahuuddeshiya Shikshan Prasarak
Mandal Through the Chairman and OthersApplicants

In the matter between

Auxilo Finserve Private Limited and OthersPetitioners.

V/s

Auxilo Finserve Private Limited and OthersRespondents.

Mr. Sameer A. Vaidya a/w Mr. Dhairyasheel Sutar, Advocates for the applicants.

Mr. Charles D'Souza a/w Mr. Nikhil Rajani i/b Mr. Rupak Sawangikar a/w Mr. Dhruvam Gaikwad i/b M/s. V. Deshpande & Co. for the petitioners.

Mr. B.V. Samant, Additional Government Pleader a/w Mr. S.P. Kamble, Assistant Government Pleader for respondent nos. 1 to 5.

Mr. Sandeep Upadhyay, authorized officer of the petitioner, present.

**CORAM : A. S. CHANDURKAR &
DR. NEELA GOKHALE, JJ.**

DATE : 8th MAY, 2025

P.C. :

1] At the outset it may be stated that the order dated 05/05/2025 passed by the Supreme Court in SLP Diary No.23490 of 2025 was brought to our notice. By the said order the Special Leave Petition preferred by the applicants for challenging the order dated 13/02/2025 passed in the writ petition has been dismissed. These applicants have filed Interim Application No.12978 of 2024. It has however been observed by the Supreme Court that disposal of the Special Leave

Petition would not preclude the said applicants from taking steps to settle the dues with the creditor.

2] By the order dated 17/04/2025 passed in the Interim Application it was noted that possession of the secured asset would be taken on 02/05/2025. By filing an affidavit it is brought on record that possession of the secured asset was taken on 02/05/2025 and panchanama to that effect was drawn. The Circle Officer as well as the Deputy Education Officer (Secondary) were also present alongwith the police authorities. It is further stated that despite the aforesaid, on the next day at about 6.00 a.m. forcible possession of the secured asset was again taken from the secured creditor which resulted into a law and order situation. First Information Report No.183 of 2025 has been accordingly filed by the petitioner. It is thus prayed by the learned counsel for the petitioner that directions be issued to the respondents-authorities to grant police assistance in the matter of taking re-possession of the secured asset.

3] The learned counsel for the applicants submits that the possession of the secured asset was handed over on 02/05/2025. He submits that he is not aware about further developments as alleged by the creditor.

4] Considering the fact that possession of the secured asset was taken on 02/05/2025 pursuant to the interim directions of this Court coupled with the fact that there has been forcible re-entry in the same on 03/05/2025 which has resulted in lodging of the First Information Report, it is directed that respondent nos. 2 and 5 shall take further

steps to re-deliver possession of the secured asset in terms of the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Steps for taking such possession be scheduled on 15/05/2025. It would be open for the petitioner to seek police assistance while doing so on payment of necessary charges. The respondent nos.2 and 5 shall take all necessary steps in accordance with law.

5] Liberty is granted to the applicants to file an affidavit with the Registry.

6] List for reporting compliance on 21/05/2025.

(DR NEELA GOKHALE, J.)

(A. S. CHANDURKAR, J.)