

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

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WRIT PETITION NO. 690 OF 2025

1. Dande Jewellers Pvt. Ltd.)
Having its address at,)
Dande Towers, Datta Mandir Circle,)
Nashik Road, Nashik.)
Through its Director, Milind)
Madhusudan Dande,)
Having his address at, Plot No.2,)
Survey No. 11/1A/1/2/3/1/1,)
Tal. Deolali, Dist. Nashik.)
2. Milind Madhusudan Dande,)
Age: 58 years, Occ.: Business,)
Having his address at, Plot No.2,)
Survey No. 11/1A/1/2/3/1/1,)
Tal. Deolali, Dist. Nashik.)
3. Late Madhusudan Jaiprakash Dande)
Since deceased, through his legal)
heirs, Milind Madhusudan Dande,)
Age: 58 years, Occ.: Business,)
Having his address at, Plot No.2,)
Survey No. 11/1A/1/2/3/1/1,)
Tal. Deolali, Dist. Nashik.)

.... Petitioners

Versus

1. Circle Officer,)
Deolali, at Tal. Deolali, Dist. Nashik.)
2. District Magistrate,)
Nashik, Dist. Nashik.)
3. Tahsildar, Nashik at Nashik.)
4. Authorized Officer,)
IDFC First Bank Ltd.)
Malpani Arcade, Mumbai Naka,)
Nashik-422 022.)
5. The Nashik Road Deolali Vyapari)
Sahakari Bank Ltd. Nashik Road)
Through its Chief Executive)

	Officer, Having its address at,	)	
	Kalpavruksha, Asha Nagar, Nashik	)	
	Road, Nashik.	)	
6.	The State of Maharashtra	)	
	GP Mumbai	)	Respondents

Mr. Bhushan Walimbe a/w Mr. Anant Vadgaonkar for Petitioners.

Mr. A. I. Patel, Additional Government Pleader a/w Mr. S. H. Kankal,
Assistant Government Pleader, for Respondent/State.

Mr. Rajesh Nagory a/w. Mr. Aayush Kothari & Mr. Nikhil Rajani i/b. M/s
V. Deshpande & Co. for Respondent No. 4.

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

DATE : 17TH JANUARY 2025

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the learned counsel for the parties.

2. The challenge raised in this writ petition is to the notice dated 05.12.2024 issued under Section 14 the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short the "SARFAESI Act") by the Circle Officer wherein it has been stated that pursuant to the order dated 31.03.2023 passed by the Additional District Magistrate as corrected on 16.06.2023 possession of the secured asset being plot No.2 with construction of 429.25 sq. mtrs. would be taken today.

3. Our attention is invited to the initial order dated 31.03.2023 passed under Section 14 of the SARFAESI Act wherein the description of

the property in question was shown as plot No.2 with constructed bungalow admeasuring 429.25 sq. mtrs. The same has now been corrected to indicate plot No.2 with the entire construction and boundaries as shown. It is thus urged by the learned counsel for the Petitioners that notice dated 05.12.2024 does not take into consideration the order dated 16.06.2023 by which corrections were made in the initial order dated 31.03.2023.

4. It is obvious from in the record that the initial order passed under Section 14 of the SARFAESI Act dated 31.03.2023 came to be corrected on 16.06.2023 and the description of the property in question was corrected. However, the notice dated 05.12.2024 has been issued on the basis of the earlier order. In that process, the corrected order dated 16.06.2023 has been lost sight of.

5. In these facts, there being an error apparent on record, a case is made out to interfere and invoke writ jurisdiction. Accordingly, the following order is passed:

a) The notice dated 05.12.2024 having been issued on the basis of the order dated 31.03.2023 without taking into the consideration the corrected order dated 16.06.2023 is set aside and quashed.

b) The Respondent Nos. 1 & 3 are at liberty to issue a fresh notice for taking steps in accordance with the order dated 31.03.2023 as corrected on 16.06.2023. In case, a fresh notice is received by the Petitioners, they are free to seek legal redressal in accordance with law before the Debts Recovery Tribunal.

6. Keeping all points on merits open, the writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)