

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.254 OF 2025
IN
WRIT PETITION NO.527 OF 2025

Kotak Mahindra Bank Limited
versus

Petitioner

1. The State of Maharashtra
2. The Nayab Tahsildar/Executive Magistrate, Daund,
3. The Superintendent of Police, Pune Rural,
4. Senior Inspector of Police, Yavat Police Station

Respondents

Mr.Puneet Gogad for Petitioner.

Mr.Kedar B.Dighe, Additional G.P with Ms.Savita A.Prabhune, AGP for
Respondents.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 14th November 2025

P.C.

1. We have heard learned counsel for the parties on this Contempt Petition. The Contempt Petition alleges non compliance of the interim order dated 24th February 2025 passed by the co-ordinate Bench of this Court on the writ petition. Subsequent to the passing of the said order, a reply affidavit dated 20th March 2025 of Ms.Mamata Bhandare, Naib Tahsildar, Daund, District Pune is placed on record of the writ petition, in which in paragraph nos.4 and 8 following has been set out :

“4. I say that after receipt of Order from the office of District Collector and from the office of the Petitioner I have scheduled the date from time to time for taking possession of the secured asset. I say

that due to some official work as well as the possession of other properties required to be taken by our office the possession in respect of the present secured assets was not taken place. Being aggrieved with the same Petitioner approached before this Hon'ble Court by filing aforesaid Writ Petition. I say that our office have scheduled date for taking possession on dated 15th March 2025.

8. I say that as stated hereinabove and also on 11th March 2025 our office received letter from the office of Additional Collector, Pune and informed that pursuant to the Order passed in arbitration proceedings the possession of the secured asset was already taken by the Hon'ble Court received and there was Order passed by this Hon'ble Court in one Writ Petition NO.5205 of 2021 and held that once the possession is taken by the court receiver, then possession of the secured asset u/s.14 Section 13(4) SARFAESI Act, shall not be taken place. Hence intimated to our office that without any clear and specific Order from the competent Court not to take possession of the secured asset."

Thus, as there is an order passed by the arbitral tribunal, the Executive Magistrate has expressed difficulties in complying with the said order.

2. In this view of the matter, we do not find that there is any intention to breach the orders passed by the Court so that the contempt petition needs to be taken forward. We are of the opinion that the Petitioner needs to take appropriate decision in view of what has been set out in the reply affidavit. All contentions in any other proceedings as pointed out on behalf of the State Government, are expressly kept open.

3. We accordingly dispose of the Contempt Petition. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)