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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10439/2025**

M/S IIFL HOME FINANCE LIMITED

.....Petitioner

Through: Mr. Mukul Bhimani, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr. Sunil, Adv. with Gokul Sharma, GP. for R-1/UOI.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.07.2025

CM APPL. 43353/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking following relief:

“a) issue directions for deciding the application under Section-14 of the SARFAESI ACT, 2002 in case No.MISC CRL/609/2025 on or before the next date of hearing.

b) Issue guidelines/directions for deciding the application u/s 14 of the SARFAESI ACT, 2020 in a time bound manner

c) Issue guidelines/directions for matters wherein the secured asset has been trespassed by the borrowers to thwart the recovery proceedings”



4. The facts as set out in present petition is that respondent nos. 3-5 had availed loan from the petitioner and their account was declared NPA.
5. The petitioner issued a demand notice under Section 13(2) of the SARFAESI Act, 2002 (hereafter referred to as the Act) which was followed by a possession notice under Section 13(4) of the Act. Since the outstanding dues of the petitioner were not paid, the petitioner had moved an application under Section 14 of the SARFAESI before the learned CJM, and the learned CJM appointed a Receiver who took possession of the mortgaged property on 19.12.2024.
6. Thereafter, the property was put to auction and the sale certificate dated 28.02.2025 was also issued to the auction purchaser.
7. However, on 05.03.2025, the borrower hatched criminal conspiracy and illegally broke the seal and locks of the secured asset, which was under the possession of petitioner at that point of time. In this backdrop the petitioner filed second application under Section 14 of the SARFAESI Act.
8. Mr. Mukul Bhimani, learned counsel appearing on behalf of the petitioner submits that the said second application of the petitioner under Section 14 of the SARFAESI Act is pending before the learned CJM since 03.04.2025 and no order on the same has been passed.
9. He submits that there is a mandate under the SARFAESI Act to dispose of the application within a period of 30 days which could further be extended by 30 days.
10. A perusal of the order sheets dated 17.04.2025 and 07.05.2025 reveals that it is the petitioner who had sought time for filing the NPA certificate. Again on 29.05.2025 petitioner sought time for filing some additional affidavit. It is only on 10.06.2025 that the petitioner had filed an additional



affidavit in compliance of previous order dated 29.05.2025.

11. It appears that on 10.06.2025 the matter was adjourned to 03.07.2025 for the reason that there was no appearance on behalf of respondent no.1 on account of Lawyers strike.

12. The learned counsel for the petitioner submits that in proceedings under Section 14 of the Act, notice is not required to be given to the respondent and the law in this regard is well settled that the power to be exercised by the Magistrate under Section 14 is only ministerial in nature. Be that as it may, it is open to the petitioner to raise this contention before the learned CJM.

13. As noted above, prior to 10.06.2025 the petitioner had been taking repeated adjournments and it is not a case where Section 14 application has been adjourned by the learned CJM on his own, therefore, no directions as prayed are warranted. Accordingly, the petition is dismissed.

14. However, liberty is granted to the petitioner to approach the learned CJM with a request to expedite the application under Section 14 of the Act.

15. In the event such request is made by the petitioner, learned CJM may consider and dispose of the application under Section 14 of the Act expeditiously in accordance with law.

VIKAS MAHAJAN, J

JULY 22, 2025
N.S. ASWAL