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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1400 of 2026

1 - State Bank of India A Body Corporate Constituted under State Bank of India Act, 1955, Having one of its Branch i.e. Stressed Assets Management Branch, Through its Authorized Officer / Chief Manager 4th Floor, Old H.H.O. Building Lal Darwaja, Bhadra, Ahmedabad Gujarat

... Petitioner

versus

1 - M/s Vimla Fuels and Metals Limited (Earlier M/s Vimla Fuels and Metals Private Limited) - Through its Interim Resolution Professional Address Survey No. 522, Village Sikra, City Bachau, District Kachchh, Gujarat - 370140 (This Borrower Company has been admitted in CIRP under IBC 2016)

2 - Shri Sanjay Kumar Agrawal (Guarantor and Mortgagor) Address Plot No.4, Block No.49, Nehru Nagar, Bhilai, Durg C.G. – 490020

3 - Shri Sachin Kumar Agrawal (Guarantor and Mortgager) Address Plot No.4, Block No.49, Nehru Nagar, Bhilai, Durg C.G. – 490020

4 - Shri Sandeep Kumar Agrawal (Guarantor and Mortgager) Address Plot No.4, Block No.49, Nehru Nagar, Bhilai, Durg C.G. – 490020

5 - Smt. Mini Agrawal (Guarantor and Mortgager) Address Plot No.4, Block No.49, Nehru Nagar, Bhilai, Durg C.G. – 490020

6 - M/s Vimal Nextera JVC Coke Limited (Corporate Guarantor) (Earlier Vimla Metcoke Limited) Address Plot No. 83, Sector 8, Gandhidham, Kachchh, Gujarat - 370201

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. P.R. Patankar, Advocate.

Hon’ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

05-11-2026

1. Heard.

2. The present writ petition filed under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 24-06-2026 passed by the learned Chief Judicial Magistrate Raipur in SARFAESI Case No.744/2026 whereby the application filed by the petitioner under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the SARFAESI Act’) has been rejected.

3. Learned counsel for the petitioner would submit that the learned Chief Judicial Magistrate has mis-appreciated the documents submitted before it along with the application under Section 14 of the SARFAESI Act. In the said documents just before the table of existing limit and proposed limit amount it has been clearly mentioned that ‘Rs. in crores’, whereas the learned Chief Judicial Magistrate has observed in its order that there is no mention of the unit of the amount either it is on rupees, lacs or crores, whereas, rupees in crore have clearly been mentioned in those documents. He would further submit that in the present writ petition he annexed the bank account statement of the loan amount with respect to the respondent’s loan and on these two grounds the application filed by the petitioner has been rejected. He would further submit that the learned Chief Judicial Magistrate is not an adjudicating authority who has to decide the application under Section 14 of the SARFAESI Act on merits, but he has to be proceed for delivery of possession of the subject property in accordance with law. Therefore, the impugned order suffers from jurisdictional error and illegality, which is liable to be set aside and the learned Chief Judicial Magistrate may be directed to proceed in accordance with law on the application filed by the petitioner

under Section 14 of the SARFAESI Act.

4. I have heard learned counsel for the petitioner and perused the documents.

5. From perusal of the document Annexure-P/1 at page No.15, 55 and 111 it transpires that the unit of amount shown in the table of the documents is mentioned as ‘Rs. in crores’. From the order impugned passed by the learned Chief Judicial Magistrate it has been observed that the unit of the amount has not been mentioned either it is in rupees, lacs or crores. Since rupees in crores has clearly been mentioned in the table, it appears that the learned Chief Judicial Magistrate has mis-appreciated the documents produced before it along with the application under Section 14 of the SARFAESI Act. Though it is submission of the petitioner that he has annexed the loan transaction documents in the present writ petition, however, from the impugned order it appears that the said loan transaction documents has not been annexed before the learned Chief Judicial Magistrate along with the application under Section 14 of the SARFAESI Act which has been filed here in the present writ petition.

6. Therefore, this Court is of the considered opinion that the matter may be remitted back to the learned Chief Judicial Magistrate Raipur for deciding the application afresh after considering the documents produced before it along with the application.

7. Accordingly, the impugned order dated 24-06-2026 passed by the learned Chief Judicial Magistrate (Annexure-P/9) is set aside. The matter is remitted back to the learned Chief Judicial Magistrate for deciding the application afresh in accordance with law on its own merits after considering the documents annexed with the application. The petitioner is at liberty to produce additional documents in support of the application before the learned Chief Judicial Magistrate, if so advised.

8. With the aforesaid observation the present writ petition is allowed to the extent indicated above.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Aadil