

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13732 OF 2025

ICICI Home Finance Company Limited and another ... Petitioners

Vs.

State of Maharashtra ... Respondent

Mr. Nikhil Rajani a/w. Mr. Ajay Deshmane i/b .V. Deshpande & Co. for
Petitioners.

Ms. M. S. Bane, AGP for Respondent-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : MARCH 16, 2026

P.C. :

. In this petition, petitioner No.1 i.e. the secured creditor is seeking limited direction to the concerned Magistrate to dispose of the application filed on behalf of the said petitioner on 04.06.2025 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Seuritisation Act).

2. The respondent State through the District Magistrate is arrayed as a sole respondent. The learned AGP represents the sole respondent.

3. In the light of the limited direction sought in the present writ petition, we are inclined to dispose it of today itself.

4. In the case of *L & T Finance Limited Vs. State of Maharashtra and another*, **2023 SCC OnLine Bom. 931**, a Division Bench of this Court has issued detailed guidelines as to the manner in which the concerned Magistrates are required to dispose of such applications filed under Section 14 of the Securitisation Act. In the said judgement, the Division Bench of this Court referred to the judgements of the Supreme Court in the cases of *Balkrishna Rama Tarle dead thr. LRs and another*

Vs. Phoenix ARC Private Limited and others, **(2023) 1 SCC 662** and *NKGSB Co-operative Bank Limited Vs. Subir Chakravarty*, **(2022) 10 SCC 286**, to reiterate that the Magistrates, while dealing with applications under Section 14 of the Securitisation Act, are simply performing a ministerial act. While dealing with such applications, the Magistrates are not supposed to go into any disputed questions and the applications are required to be disposed of at the earliest.

5. In paragraph 23 of the said judgement, the Division Bench of this Court issued the following guidelines:-

“23. Thus, we dispose of this writ petitions directing as follows:

- (a) The application filed by a secured creditor under Section 14 of the Sarfaesi Act with due compliance (the application) should be disposed of by the District Magistrate/Collector in the State of Maharashtra not later than 30 days of the application is filed.
- (b) Every order (order) passed by the District Collector under Section 14 of the Sarfaesi Act should be implemented and executed not later than four weeks of the passing of the order.
- (c) If the officers entrusted with implementation of the order are engaged in other pressing public duties, the option of appointing an advocate to implement the order be explored within the parameters of the law. The same option can also be considered by the Judicial Magistrate, if so permissible in law.
- (d) The District Magistrates/Collectors shall submit a report giving the details of the applications which have not been disposed of within thirty days or any order which has not been implemented within thirty days with reasons thereof to the Divisional Commissioner in the first week of each month.
- (e) Any party whose application is not disposed of within sixty days of its filing or the order has not been implemented within sixty days of passing it, may make representation to the Divisional Commissioner who shall within 15 days of receipt of the representation consider the representation and

after satisfying that there is a no justifiable reason, will pass appropriate directions to ensure that the application is disposed of or the order is implemented within fifteen days of the direction.

- (f) Each District Magistrate/Collector shall maintain proper details and records of the filing of the applications, the disposal thereof, the implementation of the orders and submit monthly statistics in that regard to the Divisional Commissioner on or before the seventh day of the following month in the specified format of submissions.
- (g) The State Government will take steps to implement an e-system placing information on an online platform regarding the applications, such as the date of filing of the application, the date of passing the order on the application, and the date of implementation of the order, on an online platform. The same shall be done within a period of sixteen weeks from today.
- (h) The High Court Administration would consider issuing necessary directions to the Chief Metropolitan Magistrate to take a special drive for the disposal of pending applications under Section 14 of the Sarfaesi Act.
- (i) The High Court Administration would consider creating a separate category in the case information system software for the applications under Section 14 of the Sarfaesi Act so that these cases can be identified for the special drive.”

6. In terms of the direction contained in paragraph 23(a), quoted hereinabove, the respondent through the concerned Magistrate is directed to dispose of the application filed by the petitioner No.1 within a period of 30 days from today, following the above-quoted guidelines issued by this Court.

7. The writ petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)