

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

WRIT PETITION NO. 2443 OF 2026

Phoenix ARC Private Limited ... Petitioner
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Sanjay Anabhawane i/by Trupti Nandoskar for the Petitioner.
Mrs. Tanu N. Bhatia, AGP for Respondent No.1-State.

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

DATE : 25th FEBRUARY 2026

P.C. :

. By this petition, the petitioner (secured creditor) is seeking limited relief of direction to the respondent No.2-Magistrate to abide by the guidelines issued by this Court in judgment and order dated 17th April 2023 passed in Writ Petition No. 15285 of 2022 (*L & T Fiance Limited v/s. The State of Maharashtra & Ors.*) and connected writ petitions, with regard to the manner in which applications under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), are to be dealt with and to be decided, in accordance with law.

2. It is submitted that in the present case, the petitioner filed its application under Section 14 of the Securitisation Act on 10th July

2025. The application is still pending and it is shown under the caption for arguments. It is correctly brought to our notice that judgments of the Supreme Court in the cases of *Balkrishna Rama Tarle vs. Phoenix ARC (P) Ltd.*, (2023) 1 SCC 662 and *R. D. Jain & Co. vs. Capital First Ltd.*, (2023) 1 SCC 675, have laid down that the Magistrate, while hearing and deciding such applications performs ministerial act and there is no scope for entertaining any objections and hearing detailed arguments in the matter.

3. This Court in the aforesaid case of *L & T Fiance Limited v/s. The State of Maharashtra & Ors.*, taking note of the said position of law laid down by the Supreme Court, while disposing of the writ petition, issued the following guidelines :

“18. 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 off 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.”

4. In view of the above, we dispose of this writ petition by directing respondent No.2-Magistrate to dispose of the application

filed by the petitioner within 30 days from today.

5. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)