

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(34) WRIT PETITION NO. 3714 OF 2026

Tata Capital Housing Finance LTD .. Petitioner

V/s.

State of Maharashtra .. Respondent

WITH

(38) WRIT PETITION NO. 3734 OF 2026

Tata Capital Housing Finance LTD .. Petitioner

V/s.

State of Maharashtra .. Respondent

WITH

ORDINARY ORIGINAL CIVIL JURISDICTION

(41) WRIT PETITION (L) NO. 9205 OF 2026

Tata Capital Housing Finance LTD .. Petitioner

V/s.

State of Maharashtra and Anr .. Respondents

WITH

(42) WRIT PETITION (L) NO. 9209 OF 2026

Tata Capital Housing Finance LTD .. Petitioner

V/s.

State of Maharashtra and Anr .. Respondents

Mr. Nikhil Mehta, i/b KMC Legal Venture, for the Petitioner.

Mr. R. S. Pawar, AGP for the Respondent/State in WP/3714/2026.

Ms. Tanu N. Bhatia, AGP for the Respondent/State in WP/3734/2026.

Ms. Fatima Lakdawalla, AGP for Respondent No. 1–State in WP(L)/9205/2026.

Ms. Anupama Pawar, AGP for Respondent No. 1–State in WP(L)/9209/2026.

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

DATE : 26TH MARCH 2026.

PC:

1. These petitions are filed by the secured creditor, Tata Capital Housing Finance Limited, seeking identical relief.
2. The learned counsel for the petitioner in these petitions submits that applications filed on behalf of the petitioner before the competent Magistrates under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), on different dates are pending for a considerable period of time, despite guidelines issued by this Court for urgent disposal of such applications. It is submitted that this Court may consider issuing appropriate directions for the pending applications to be decided at the earliest.
3. A Division Bench of this Court in the case of ***L&T Finance Limited versus State of Maharashtra*** [(2023) SCC OnLine Bom 931] considered the said aspect of the matter. It was recorded that in terms of the law laid down by the Supreme Court in the case of ***NKGSB Cooperative Bank Limited versus Subir Chakravarty*** [(2022) 10 SCC 286] and in the case of ***Balkrishna Rama Tarle versus Phoenix ARC Private Limited*** [(2023) 1 SCC 662], the Magistrate in these cases performs only a ministerial act. Thereupon, the Division Bench of this Court laid down detailed guidelines in paragraph 23 of the said judgment. In paragraph 23(a), it was directed that such applications filed under Section 14 of the SARFAESI Act shall be disposed of

by the concerned Magistrates not later than 30 days of the filing of the application.

4. In these petitions, the period of 30 days is long over and it is evident that the directions issued by this Court have not been complied with.

5. Learned AGP appears for the respondent-State authorities.

6. In view of the above, we dispose of these writ petitions by directing the concerned Magistrates in all these petitions to dispose of the pending applications filed by the petitioner-secured creditor under Section 14 of the SARFAESI Act, within 30 days from the date of this order. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)