

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4392 OF 2026

Omkara Assets Reconstruction .. Petitioner
Private Limited

Vs

The Chief Judicial Magistrate, .. Respondent
Esplanade

Mr. Charles De souza with Manaswi Agrawal and Pragati Gothi i/by
Maraki Chamber, for Petitioner.

Mr. Tanu Bhatia, AGP, for Respondent No. 3/State.

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

DATE : 8TH APRIL 2026.

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1. The Petitioner (secured creditor) has approached this Court for limited reliefs, seeking a direction to Respondent No.2 -Registrar of the Court of Chief Judicial Magistrate, Esplanade, Mumbai for issuing the Writ of Commission in compliance with order dated 25/07/2025 issued by the Court of Chief Judicial Magistrate (Exhibit-A).
2. We are surprised that for such a direction, the Petitioner is constrained to file this Writ Petition.
3. As a matter of course, Respondent No.2 ought to immediately issue the Writ of Commission in pursuance of the said order dated 25/07/2025 passed by the Chief Judicial Magistrate.
4. It is to be noted that this Court in the case of '**L and T Finance**

Limited Vs. State of Maharashtra and Ors¹ issued detailed guidelines with regard to the manner in which applications under Section 14 of the Securitisation Act are to be dealt with and executed.

5. A conjoint reading of clauses (a) and (b) of Paragraph No. 23 of the said judgment would show that such an application under Section 14 of the Securitisation Act is required to be disposed of by the competent Magistrate within 30 days of filing of the said application and every order passed on such an application has to be implemented /executed within four weeks of the order being passed. Unless the Writ of Commission is issued, it will not be possible to execute the order, much less be executed within the time frame of four weeks.

6. Therefore, we find that failure on the part of Respondent No. 2 to issue the Writ of Commission is in the teeth of the said judgment of this Court.

7. We find that Respondents herein are the Chief Judicial Magistrate and the Registrar of the Court of Chief Judicial Magistrate and that Respondent No.3 is the State of Maharashtra represented by learned AGP.

8. Hence, Writ Petition can be disposed of at this stage itself.

9. In view of the above, the Writ Petition is disposed of by directing Respondent No. 2 to issue the Writ of Commission in terms of the order dated 25/07/2025 passed by Respondent No.1, within one week from today.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

1 2023 SCC online Bom (931)