

**(2019) 09 CHH CK 0121**

**Chhattisgarh High Court**

**Case No:** Writ Petition (C) No. 3276 Of 2019

Capital First Limited, Through Its  
Collection Manager Namely Irfan  
Khan

APPELLANT

Vs

M/s M. M. Saries, Proprietor  
Rajkumari Dhadiwal And Ors

RESPONDENT

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**Date of Decision:** Sept. 18, 2019

**Acts Referred:**

- Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 - Section 14

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Dharmesh Shrivastava

**Final Decision:** Disposed Of

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### **Judgement**

Goutam Bhaduri, J

1. Heard.

2. The grievance of the petitioner is that an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement

of Security Interest Act, 2002 (for short 'the SARFAESI Act) was preferred before the District Magistrate for taking possession of the secured

assets as respondents No.2 & 3 committed default in payment. It is contended that the order-sheet would reveal that the said application under

Section 14 of the SARFAESI Act was filed on 04.12.2018 and as per the proviso clause of Section 14, the District Magistrate should have passed the

order within a period of 30 days from the date of application, which can be further extended not exceeding to 60 days. It is submitted that therefore,

the direction may be given to respondent No.4 to pass an order on the application filed under Section 14 of the SARFAESI Act, within a stipulated time.

3. Perusal of the order-sheet would reveal that on 04.12.2018 an application under Section 14 of the SARFAESI Act was filed for taking possession.

The certified copy of the order-sheet would reflect that no default has been pointed out in compliance to the requirement of Section 14 affidavit.

Consequently, since the Section 14 of the SARFAESI Act mandates that the orders have to be passed within a period of 30 days from the date of

application and apparently appears that which can further be extended not exceeding 60 days in the proviso clause. Since the application appears to

have been filed on 04.12.2018, it is directed that respondent No.4 shall decide the application filed by the petitioner under Section 14 of the

SARFAESI Act within a further period of 30 days from the date of receipt of this order.

4. With the aforesaid observation, the writ petition stands disposed of.