



2026:CGHC:12456

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1127 of 2026**

Bank Of Baroda Through Its Authorized Officer/ Chief Manager, Mr. Dhiman Ghosh, S/o Mr. Sadhan Chandra Ghosh, Aged About 37 Years, Bank Of Baroda, Branch- Mungeli Road, Near 36 Mall Mangla Chowk Bilaspur, District- Bilaspur (Chhattisgarh) Pin Code- 495001

... Petitioner**versus**

1 - The District Magistrate And Collector District- Bilaspur (Chhattisgarh) Pin Code- 495001

2 - M/s. Aarti Offset Printing Proprietor- Mr. Arvind Kashyap, Aged About 39 Years, S/o Mr. Arun Kashyap, Address- House No. 435, Near BJP Office Karbala Road Bilaspur, Tahseel- Bilaspur, District Bilaspur (Chhattisgarh),

3 - Mr. Arun Kashyap S/o Mr. Ram Prasad Kashyap Aged About 63 Years Address- House No. 435, Near BJP Office Karbala Road Bilaspur, Tahseel- Bilaspur, District Bilaspur (Chhattisgarh) Pin Code- 495001

... Respondents

For Petitioner	:	Mr. Punit Ruparel, Advocate
For Respondent No.1/State	:	Mr. Abhishek Gupta, Panel Lawyer

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****16.03.2026**

1. Heard.
2. Learned counsel appearing for the petitioner submits that the procedure contemplated under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,



2002 (henceforth, the SARFAESI Act”) was commenced against borrower as his account was declared as Non-Performing Asset (NPA). He further submits that proviso to Section 14 of the SARFAESI Act provides that the decision on like nature of the application has to be made within a period of 30 days and, if not so, within a further period of 60 days. In the instant case, the petitioner has filed application under Section 14 of the SARFAESI Act on 22.12.2025 before respondent No.1, to which Revenue Case No.202512072100018/B-121 has been registered by the District Magistrate. But aforesaid case has not been decided yet by respondent No. 1/District Magistrate, Bilaspur. Hence, it is prayed that respondent No.1 may be directed to decide aforesaid case within the stipulated period.

3. For ready reference, the proviso to Section 14 of the SARFAESI Act is reproduced hereinunder :

[Provided that any application by the secured creditor shall be accompanied by an affidavit duly affirmed by the authorised officer of the secured creditor, declaring that-

(i) the aggregate amount of financial assistance granted and the total claim of the Bank as on the date of filing the application;

(ii) the borrower has created security interest over various properties and that the Bank or Financial Institution is holding a valid and subsisting security interest over such properties and the claim of the Bank or Financial Institution is within the limitation period;

(iii) the borrower has created security interest over various properties giving the details of properties referred to in sub-clause (ii) above.



(iv) the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount;

(v) consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non performing asset;

(vi) affirming that the period of sixty days notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been served on the borrower;

(vii) the objection or representation in reply to the notice received from the borrower has been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the borrower;

(viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;

(ix) that the provisions of this Act and the rules made thereunder had been complied with:

Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking



possession of the secured assets within a period of thirty days from the date of application]

[Provided (also) that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within the said period of thirty days for reasons beyond his control, he may, after recording reasons in writing for the same, pass the order within such further period but but exceeding in aggregate sixty days.]

Provided also that the requirement of filing affidavit stated in the first proviso shall not apply to proceeding pending before any District Magistrate or the Chief Metropolitan Magistrate, as the case may be, on the date of commencement of this Act.]

[(1A) The District Magistrate or the Chief Metropolitan Magistrate may authorise any officer subordinate to him,

- (i) to take possession of such assets and documents relating thereto; and
- (ii) to forward such assets and documents to the secured creditor.]

(2) For the purpose of securing compliance with the provisions of sub-section (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force, as may, in his opinion, be necessary.



(3) No act of the Chief Metropolitan Magistrate or the District Magistrate [any officer authorised by the Chief Metropolitan Magistrate or District Magistrate] done in pursuance of this section shall be called in question in any Court or before any authority.”

4. The SARFAESI Act provides that when Section 14 proceeding is moved, the concerned Officer shall, after satisfying the contents of the affidavit, pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application and, if he fails to do so, then after recording reasons in writing for the same, pass the order within such further period but not exceeding in aggregate sixty days.

5. Prima facie, the documents filed by the petitioner in the instant case show that about 2 ½ months have already elapsed, despite that proceeding under Section 14 of the SARFAESI Act has not been concluded by respondent No. 1- District Magistrate, Bilaspur, which cannot be appreciated, as the same is not in accordance with law, therefore, the respondent No. 1- District Magistrate, Bilaspur, Distt. Bilaspur is directed to conclude the proceeding under Section 14 of the SARFAESI Act bearing Revenue Case No.202512072100018/B-121, within a further period of 30 days from the date of receipt of a copy of this order.

6. With the aforesaid observations & directions, the writ petition stands disposed of.

7. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge