CNR No: PBJL030139722026 CIS No: CRM-2298-2026

Present: Sh.Ravneet Singh, Advocate proxy counsel for the applicant.

Heard. Present application has been filed by applicant **DCB Bank Ltd.** under Section 14 of the of Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act') through Authorized Officer **Manpreet Singh,** praying that possession of the applicant's secured assets qua the property mentioned in the application may be delivered to the applicant. Representative of the applicant relied upon the **"Phoenix ARC Pvt. Ltd. & Anr Vs. The State of Maharashtra & Ors" in writ petition NO.9749 of 2021** whereby Hon'ble Bombay High Court pleased to held that there is no requirement to issue notice to either borrower or a 3rd party under section 14 and there is also no need of reply filed by them and even they have no right to be heard and in para No.17 of the order of Hon'ble High Court has prescribed what is required to be seen under section 14:-

Section 14(1) of the Act mandates the Chief Metropolitan Magistrate to pass suitable orders for taking possession of the secured asset and to forward it to the secured creditor.

He further relied upon **M/s. R.D.Jain and Co. vs. Capital First Ltd. & ors. 2022(3) RCR (Civil) 781** whereby Hon'ble Supreme Court pleased to held that *"In view of the above discussion and as observed* *hereinabove when the powers to be exercised by the Additional Chief Metropolitan Magistrate are at par with the powers to be exercised by the Chief Metropolitan Magistrate [Section 17(2) of Cr.PC] and the Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate shall be subordinate to the Sessions Judge (Section 19 of the Cr.PC) and the steps to be taken by the Chief Metropolitan Magistrate under 14 of the SARFAESI Act as observed hereinabove are* ***ministerial in nature and does not involve any adjudicatory process and there is no element of any quasi-judicial function,*** *we see no reason to take a different view than the view taken by the Bombay High Court in the impugned judgment. We hold that the expression "Chief Metropolitan Magistrate" as appearing in 14 of the SARFAESI Act shall deem to mean and include Additional Chief Metropolitan Magistrate for the purposes of 14 of the SARFAESI Act."*

Further in this concern, in **Authorized Officer, Indian Bank Vs D. Visalakshi and Anr. 2019(4) RCR (Civil) 952**, the Hon'ble Supreme Court of India has held that it would be a meaningful, purposive and contextual construction of Section 14 of the 2002 Act, to include CJM as being competent to assist the secured creditor to take possession of the secured asset. It is further held that CJM is equally competent to deal with the application moved by the secured creditor under Section 14 of the 2002 Act.

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The application is accompanied by the affidavit of **Manpreet Singh** Authorized officer of the secured creditor, as required by proviso of section 14(1) of the Act, along with photocopy of authority letter executed in favour of **Manpreet Singh** Authorized officer by the applicant and other documents, which reveals that the applicant is a secured creditor whereas the respondents are borrowers within the meaning of the Act. Respondents have also executed the loan documents in favour of the applicant comprising of **loan agreement** and mortgaged property **bearing plot no. 48, measuring 1 marla 145 sq. feet comprised in khewat no. 102, 103, 104, 497, 498, 499, 500, 501, 504, 505 khasra no. 8//9/1, 10/3, 12, 8/2/3, 11, 13/1/1, 19/1, 8//10/2, 7//6/1, 14/1, 14/3, 15/2/1, 16/1, 8//22/1, 22/2, 30, 8//20, 21/1/1, 8//10/5 situated at Village Reru, hadbast no.207, Abadi Hargobind Nagar, Tehsil and District Jalandhar bounded as North : Plot, South : Road, East : Remaining portion 48/25, West : Remaining portion 48/25** in favour of applicant. The borrowers defaulted in repayment of the financial assistance/loan and it was declared as non performing asset (NPA) on **04.05.2025.** The affidavit and documents on record further shows that the secured creditors had issued and served the statutory demand notice dated **30.08.2025 posted on 10.09.2025** under Section 13(2) of the Act upon the respondents as well as through publication under Section 13 (4) of the Act, but the respondents failed to discharge their liability in full within the stipulated period of sixty days from the date of notices under Section 13(2) and 13 (4) of the Act.

I have gone through the petition as well as affidavit of **Manpreet Singh** Authorized Representative of applicant and it has complied all the requirement as per section 14(1) of SARFAESI Act 2002. Since the property is situated under the jurisdiction of this Court so warrant of possession of the above said property of respondents be issued to the Collector concerned for execution as per law and to deliver the possession to the applicant.

Report of compliance of the above stated directions shall be filed in the Court in due course. Objections, if any, by whomsoever concerned should be made before the Debt Recovery Tribunal.

If the applicant, of its own, decides not to recover possession, it shall apply to this Court to terminate the mandate and it shall not be lawful for it to itself instruct the Collector, as authorized above, to refrain from or to delay the recovery of possession. In case, there is delay on the part of applicant in compliance with this order, the same shall be explained by the applicant by affidavit of the authorized officer.

It is further made clear that the Collector shall not proceed further with delivery of possession taking aid of this order in case the debtor/ borrower or any person produce any order passed by any competent Court of law/ competent authority granting stay/ injunction qua possession of property in question and/ or recovery of due amount in question etc.

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The application is accordingly disposed off. One copy of this order be sent to the collector along with warrants of possession. Let file be consigned to the record room after due compliance of the order and same be called as and when any application is made by any party, with direction to applicant to inform the Court regarding the taking of possession or regularization of account by respondents or clearing of loan by respondents.

Date of Order:-09.07.2026
Krishan

(Dr.Sushil Bodh)
Chief Judicial Magistrate,
Jalandhar UID No. PB0347

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CJM, Jalandhar
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