Cri.M.A.No.3462/2026
UGRO Vs. New Hotel Lucky & Others.

ORDER BELOW EXH.1
(Passed on 14th August, 2026)

1] Perused application, which is supported by the sworn affidavit of the Authorized person Mr. Manish Tribhuvan of the applicant dt. 03.07.2026. Perused necessary documents.

2] Heard the learned Advocate for the applicant.

3] By this application, the applicant is seeking the assistance for taking possession of the secured assets as per Section 14 of the Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("the SARFAESI Act").

4] The Hon'ble Bombay High court in the landmark Judgment of M/s. Trade Well and another .vs. Indian Bank and anr. [2007 (1) Bom CR (Cri) 783] laid down the following guidelines in respect of Section 14 of the SARFAESI Act.

> *(i) The bank or financial institution shall, before making an application under section 14 of the NPA Act, verify and confirm that notice under section 13(2) of the NPA Act is given and that the secured asset falls within the jurisdiction of CMM/DM before whom application under section 14 is made. The bank and financial institution shall also consider before approaching CMM/DM for an order under section 14 of the NPA Act, whether section 31 of the NPA Act excludes the application of sections 13 and 14 thereof to the case on hand.*
>
> *(ii) CMM/DM acting under section 14 of the NPA Act is not required to give notice either to the borrower or*

to the 3rd party.

(iii) He has to only verify from the bank or financial institution whether notice under section 13(2) of the NPA Act is given or not and whether the secured assets fall within his jurisdiction. There is no adjudication of any kind at that stage.

(iv) It is only if the above conditions are not fulfilled that the CMM/DM can refuse to pass an order under section 14 of the NPA Act by recording that the above conditions are not fulfilled. If these two conditions are fulfilled, he cannot refuse to pass an order under section 14.

(v) Remedy provided under section 17 of the NPA Act is available to the borrower as well as the third party.

(vi) Remedy provided under section 17 is an efficacious alternative remedy available to the third party as well as to the borrower where all grievances can be raised.

5] In view of the above, there is no requirement to give the Notice to the borrowers while deciding the application under section 14 of the SARFAESI Act and give hearing before passing the final order. It also appears that the applicant had issued the Notice under section 13(2) of the SARFAESI Act to the borrowers and it was served upon respondent No. 1 to 3 by post. The possession notice was also issued. No material is available on record to suggest that the borrowers have preferred any application under Section 17 of the SARFAESI Act. Further, the secured assets fall within the jurisdiction of this Court. Moreover, the Authorized Officer in the sworn Affidavit affirmed that all requirements of Section 13 of the SARFAESI Act are duly complied with. Therefore, there is no impediment in granting the necessary assistance to the applicant in taking possession of the secured assets as per Section 14 of the SARFAESI Act.

6] The Ld advocate of applicant as requested to appoint adv. **Shri. Harshwardhan Golaith** as Court Commissioner to execute the possession warrant. Hence, the following order:-

ORDER

1. The application is allowed.

2. Advocate **Shri. Harshwardhan Golaith** is appointed as Court Commissioner to take possession of secured assets and deliver the same to the petitioner/applicant on the basis of possession warrant.

3. Issue possession warrant.

4. The **Court Commissioner** is directed to take possession of the following property :

SCHEDULE OF PROPERTY

All that part and parcel of the immovable property land bearing property situated at Mouza – Bhandewadi, Corporation House No. 1925/03, Khasra No. 35, City Survey No. 506, Sheet No. 493/9, Ward No. 21, having Build up Area total admeasuring 62.108 sq. mtrs. Mouza Bhandewadi, Tahsil and District Nagpur 440035

Bounded by

NORTH	:	Road
SOUTH	:	House of Firoz Khan
EAST	:	House of Mehmood Qureshi
EAST	:	House of Sheikh Imran

5. The Court Commissioner shall take possession of the

above property by taking such steps and using such force as may be legally necessary and to break open the lock, if required. After taking possession, the bailiff shall forward the same to the Authorized Officer of applicant.

6. The In-charge Police Officer of concerned Police Station, within whose jurisdiction the property is situated, is directed to provide necessary police protection for the execution of the aforesaid possession warrant at the cost of the applicant.

7. The applicant shall have to bear the requisite charges as per the rules.

8. The compliance of the order be reported within 90 days of the receipt of the is order.

9. The applicant to pay commission charges Rs.10,000/- to the Court Commissioner.

GADE MUKUL SHRIRAM

Digitally signed by GADE MUKUL SHRIRAM
Date: 2026.08.14 17:47:26 +0530

Nagpur
Date :14.08.2026

(M.S.Gade)
17th Jt. Civil Judge,(Sr.Dn.) &
Addl. Chief Judicial Magistrate,
Nagpur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Order/Judgment.

(a) Name of the Stenographer : Sau. R.A.Deshkar (Gr.III)

(b) Court : 17th Jt.C.J.S.D. Nagpur.

(c) Order checked and signed by P. O. On : 14.08.2026

(d) Order uploaded on : 14.08.2026