

**DISTRICT & SESSIONS COURT CHIEF JUDICIAL MAGISTRATE KOLHAPUR**

**CIVIL CASE - FILING FORM**

**Case Type** CRIMINAL MISC.APPLICATION

**PLAINTIFF DETAILS**

**Name (In Blocks)** GROWTH TEXTILES INDIA PVT LTD  
Through Imran Allabax Mujawar

**Father/Mother/Husband (Strike out which is not applicable)**

**Address (In Blocks)** 18/ 517 NEW INDUSTRIAL ESTATE NEAR SHAHU PUTALA  
ICHALKARANJI 416 115 DISTRICT KOLHAPUR  
ICHALKARNJI Pin 4 1 6 1 1 5

**Sex**(Appropriate) Male  Female  **Age** (In Completed Years) 45 **Caste** MUSLIM

**Nationality** If Indian ( )  If Other Mention **Occupation** BUSINESS

**E-mail address** satishdaribe210@gmail.com **Phone** : - **Mobile** 9922 01 6611 **Fax**

**Subject**

**Advocate Code** MAH 1338/1991 **Advocate** ADV.SATISH V. DARIBE

**RESPONDENT DETAILS**

**Name (In Blocks)** 1) INDIAN BANK Through its Authorized Officer RAVI RAUSHAN KUMAR SINGH  
2) RAVI RAUSHAN KUMAR SINGH

**Father/Mother/Husband (Strike out which is not applicable)**

**Address (In Blocks)** INDIAN BANK SHRI GIRIRAJ 16/1550, MAHESH NAGAR  
ICHALKARANJI 416 115 DISTRICT KOLHAPUR  
ICHALKARNJI Pin 4 1 6 1 1 5

**Sex**(Appropriate) Male  Female  **Age** (In Completed Years) **Caste**

**Nationality** If Indian ( )  If Other Mention **Occupation** SERVICE

**E-mail address** ichalakaranji@indianbank.co.in **Mobile** 70011 65007 **Fax**

**Subject**

**Advocate Code** **Advocate**

**Court Name**

**Case No.** **Decision Date**

**LOWER COURT DETAILS**

**Case Type** CRIMINAL MISC.APPLICATION **Case No.** **Year**

**FOR OFFICE USE ONLY**

**Case Type** **Filing No** **Filing Date**

**Objection Red. Date** **Objection Compliance Date**

**Registration No** **Registration Date** **Listing Date**

**Court Allotted** **Allocation Date**

**Case Code** 2 2 0

*Satish Daribe*

CRIMINAL MISC.APPLICATION 373 /2026

IN Relation to

Cri. Misc. App. NO. 121/2026

Application Date – 17/01/2026

Disposal Date – 28/01/2026

**BEFORE HON'BLE CHIEF JUDICIAL MAGISTRATE  
KOLHAPUR AT KOLHAPUR**

**1) GROWTH TEXTILES INDIA PVT LTD**

**Duly Registered company**

Through Imran Allabax Mujawar

Age 45 Occupation: Business

R/o 18/ 517 New Industrial Estate

Near Shahu Putala

ICHALKARANJI 416 115

**APPLICANT**

(Non- Applicant in  
M. Cri. A. 121/2026)

**Vs**

**1) INDIAN BANK**

Through its Authorized Officer

RAVI RAUSHAN KUMAR SINGH

Shri Giriraj 16/1550, Mahesh Nagar,

ICHALKARANJI 416 115

**OPPONENT**

(Applicant in M. Cri. A.  
No.121/2026)

**2) RAVI RAUSHAN KUMAR SINGH**

Shri Giriraj 16/1550, Mahesh Nagar,

ICHALKARANJI 416 115

**OPPONENT**

**APPLICATION U/S 215 OF B.N.S.S ACT  
FOR TAKING ACTION UNDER S.S.S  
ACT FOR TAKING ACTION UNDER  
SEC. 216, 217, 229 (1) OF BNSS ACT**

Order  
Keep for Hearing

C.J.M. 10.03.26

  
**Assistant Superintendent**

Here the Applicant Growth Textiles India Pvt. Ltd. Through Authorised person, Mr. Imran Allabax Mujawar, most respectfully submits that –

- 1) That opponent in the present matter as per their contention is banking company regulated by Banking Regulation Act and can invoke the provisions of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 in short, the SARFAESI ACT. The opponent number 1 has moved application under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act under section 14 of said Act. That this said application was registered as a Criminal Miscellaneous Application No. 121/2026. The mandatory provisions of section 14 require affidavit of authorised officer of the Secured Creditor stating compliance of section 14 of said Act. Further judicial discipline requires that all the material facts and particulars are required to be stated in the application as well as affidavit. The opponent for the purpose of obtaining the orders from the Hon'ble Court deliberately filed affidavit containing false statement and suppressing material particulars about the pendency of other matters in relation to the subject matter of the application.
- 2) The applicant, in the present matter, has challenged the illegal action of the bank on various legal and factual grounds before Hon'ble Debt Recovery Tribunal Pune by filing SA No. 414/2024. That the said

  
Assistant Superintendent

( 3 )

Securitisaton measures are challenged by the applicant along with other members on various illegal acts/measures committed by the bank under Securitisaton Act and rules made thereunder and more particularly breach of banking regulation Act Indian Contract Act and other related Acts. The opponent Bank has also file original recovery application OA No. 289/2024 Before on Hon'ble Debts Recovery Tribunal, Pune. That the applicant has appeared in the matter but as the documents produced with the original application are not served on the applicants hence the applicants were unable to file written statement in the said matter. That the opponent has knowledge of the same.

- 3) It is pertinent to note that the applicant has closed Total 17 loan accounts out of total 18 loan facilities extended to the applicant and other sister concerns. However, at subsequent stage the applicant came to knows that the bank has charged and collected exorbitant rate of interest then the actual agreed rate of interest and shown in respect to loan sanction letters. On this count the applicant company has moved OTS proposal considering the exorbitant collection of excess amounts. Under the heads interest explanation That with regard to the other secured asset of the said loan the Spl.C. S 166/2023 is pending before the Hon'ble CJSD Ichalkaranji and Appeal Against order from the order rejecting the Interim Injunction application is sub judice before

  
Assistant Superintendent

the Hon'ble High Court Bombay Circuit Bench Kolhapur in proceeding bearing No. A.O No 60/2026. That the Hon'ble High Court has referred the matter to mediation. This issue is now pending before Hon'ble Mediator High Court of Bombay Circuit Bench Kolhapur in the said proceeding the opponent Bank through its branch manager appeared and matter is posted on 4<sup>th</sup> March 2026 for arriving at possibility of amicable settlement.

- 4) That during the pendency of these cases the applicant came to know about the obtaining of order under section 14 of securitization act for taking Physical possession of residential house cum common building. That while obtaining the order the opponent has filed false affidavit suppressing all these material facts. That the applicant company has challenged, the said action before Hon'ble Debt Recovery Tribunal Pune.

The Hon'ble DRT, Pune has issued conditional stay order to take the position on 26<sup>th</sup> February 2026. That they applicant company has complied with the order and deposited first part of Rs.51,00,000.00 on 25<sup>th</sup> February 2026. The applicant company is also ready to comply to deposit remaining part of Rs.51,00,000.00 within stipulated period. Hence by this application the applicant company did not pray for recall of order of Hon'ble Court by the opponent by playing fraud and filing Falls affidavit. The legality and validity of the order Issued by the

  
Assistant Superintendent

Hon'ble Chief Judicial Magistrate Court is now subject to scrutiny before the Hon'ble DRT Pune.

The applicant does not want any relief against the issuance of order but the grievance of the applicant is that, bank is deliberately filing false affidavit with intention to obtain the orders from the Hon'ble Court which is clearly offensive under **BHARTIYA NAGARIK SURAKSHA CODE**. That the provisions of section 14 of the said Act proviso for the assistance to secured creditor for taking possession of the secured asset. That as per the said section, the Secured creditor may apply to the Chief Judicial Magistrate or District Magistrate for the said assistance. And for this the Secured creditor's Authorised officer has to submit the affidavit stating the compliance of the all the clauses laid Down under 14 (1) provisos (I) TO (IX).

- 5) That while issuing any order under the present section the Hon'ble Chief Judicial Magistrate, District Magistrate, has to satisfy itself as to the contents in the said affidavit. And then pass the orders accordingly.
- 6) That in the present case the opponent bank has obtained order on 28/01/2026 under section 14 of the said act in respect of below described property - Property Being piece and parcel of CS No. 5996 to 5998, 6000 out of its Lay-out Plan Plot number 87 situated at Ichalkaranji in The Ichalkaranji Industrial Estate Co-operative Ltd. ICHALKARANJI 416 115 Taluka - Hatkangale District Kolhapur.

  
Assistant Superintendent

That the opponent bank has suppressed the material fact that the non-applicants in the present matter are having only leasehold rights in the said property. That the actual owner of the property is The Ichalkaranji Industrial Co-op Estate Ltd. Ichalkaranji. That without making The Ichalkaranji Industrial Estate Co-op Ltd. As party to the Securitization measures, the applicants bank has proceeded further under Sec. 14 of the Act. That the 13 (2) Notice was not addressed or issued to the original Borrower "Growth Textiles India Pvt. Ltd. Nor to The Ichalkaranji Industrial Estate Co-Op. Ltd. Who is necessary party falling under the definition of borrower being owner of the said property.

- 7) That the said order is obtained by the bank officer by playing fraud on the court and it is judicial precedents that order obtained by fraud and suppressing material facts is no order in the eyes of law and it can be set aside in any proceeding including miscellaneous proceeding.
- 8) That the applicant bank in the present matter has suppressed the fact that the applicant bank's Authorised officer itself has filed Miscellaneous Criminal Application bearing number 844/2022 in respect of same property and against same person stating that cash credit facility of rupees 5 crores is sanctioned. However, on 6<sup>th</sup> June 2023 the said application was decided on merit and rejected by the Hon'ble Chief Judicial Magistrate Kolhapur by passing reasonable order.

- 9) The non applicant further states that in addition to the above property one more property bearing Gat No.923 part situated at in Laxmi Industrial Estate Road behind Manere Textiles Hatkanagale 416 109 Dist. Kolhapur is also included in this application previously preferred u/s 14 of the Act. That the copy of the orders of the Hon'ble Chief Judicial Magistrate, Kolhapur in Misc. Cri. App. No 844/2022 dated 6<sup>th</sup> June 2023 are attached herewith.
- 10) Further bank officer has filed application before Hon'ble District Magistrate Kolhapur bearing SR No.198/2024 for Seeking relief under section 14 of the securitization act in respect of property which is pending as per the knowledge of the non-applicants. That the said fact is also suppressed by the applicant bank.
- 11) That The bank is very well aware of the fact that specific performance suit bearing Special Civil Suit Number 166/2023 is pending in the court of Civil Judge Senior Division Ichalkaranji district Kolhapur with regard to the property situated in Gat No 923 Laxmi Industrial Estate Road Hatkanagale 416109. That the Appeal from Order No.90/2026 is pending before the Hon'ble Bombay High Court, Kolhapur Bench and an injunction order is in operation issued by Hon'ble Bombay High Court Circuit Bench Kolhapur.
- 12) That the non-applicant has settled total 17 loan accounts with the bank by depositing Totally Rs.26,26,88,000.00 With the bank as per the

  
Assistant Superintendent

instruction of the officers of the bank account. Further in Growth Textiles India Pvt Ltd OCC A/C 6577044175 Also the non-applicant has deposited the amount of Rs. 2,38,00,000.00 Thus totally the amount of Rs.28,64,88,000.00 has been deposited by the non-applicants with the applicant bank towards the repayment of the loan accounts Totally of Rs.28,64,88,000.00 That the bank officers has closed the loan accounts as per their whims and wishes without informing the applicants who acted on Bonafide belief of the officers of the bank considering the banking relations with the bank.

- 13) That the non-Applicant has also submitted the OTS proposal with the bank by depositing Demand Draft of Rs.22,50,000.00 Dated 07/11/2024 which was with the bank since more than 15 months. And on 03/02/2026 the bank has informed as to return of the OTS proposal and returned the Demand Draft and to enhance the OTS amount. That the non-applicant is ready for settlement of the loan account under OTS after personal discussions with the bank officers. That the Hon'ble High Court has also referred the matter to Mediation. That the settlement issue also pending before Hon'ble Mediator appointed by Hon'ble High Court Mumbai circuit bench Kolhapur. The next date given in the matter is 04/03/2026.
- 14) The applicant Bank did not mention any of the above facts and also did not comply with the mandatory provisions of section 14 of the

  
Assistant Superintendent

securitization act in this case the question arises whether by suppressing earlier order of Chief Judicial Magistrate, Kolhapur filing another application for same relief suppressing the status of earlier rejected order by the Hon'ble chief judicial magistrate Kolhapur in Miscellaneous Criminal Application bearing No.844/2022

- 15) It is pertinent to note that while issuing orders under section 14 of the securitization act notice is not issued to the borrower and opportunity was not given to find out all these malpractices committed by banks before passing the order that after receipt of commission writ from the court commissioner the applicant came to know about the obtaining of the order under section 14 of the securitization act further. That the Hon'ble high courts on various previous decisions laid down the principle of natural justice and held that when other side was not before the court the Hon'ble Court should be very cautious why issuing the orders against the person who is not present before the court and the applicant is also expected to brought all the material facts before the Hon'ble Court while obtaining the orders from the court unfortunately this has not been done by the opponent Bank while obtaining the orders. This has direct impact on administration of justice which is the core principle of entire judiciary Hence such type of office requires serious consideration and requires to be dealt with seriously Further in a very hurried manner the court commissioner advocate Neha Ganesh

Deshpande issued physical possession notice dated 10/02/2026 intimating to take physical possession of the above describe property situated at The Ichalkaranji Industrial Estate Co-op Ltd. intimating the date for taking physical possession of the property on 26<sup>th</sup> February 2026.

- 16) That after receipt of this notice to applicant verified the documents and come to know that bank is without deciding OTS proposal only to abuse the provision of securitization act pressurizing to take physical possession of the property which is residential building and old age parents and other family members residing in it. The amount claimed in the petition is Total Outstanding Dues as On Date Rs.2,62,00,000.00
- 17) The non applicants have filed Securitization Application bearing No. 414/2024. Before Hon'ble Debts Recovery Tribunal Pune which in which the applicant bank has appeared. That the E-auction sale was conducted by the applicant's bank on the basis of alleged constructive possession for many times to pressurize the applicants and Mujawar family members.
- 18) The non applicants are filing herewith the documents which will show that the bank has suppressed facts and obtained the order under section 14 of the Act resulting into total miscarriage of justice and overriding of the other provisions of law

  
21/3/26  
Assistant Superintendent

- 19) Unfortunately, applicant bank is taking undue advantage of the fact that order under section 14 is issued without notice to none applicant however at the same time. It is bounded duty of the applicant Bank who produce all the material facts and mandatory compliance of section 14 of the securitization Act, It seems that the same is not discharged by the officers of applicant Bank and at the same time by suppressing this material fact order is came to be obtained by the bank officer and in very hurried manner the same is tried to be executed, when the issue of settlement is pending before Hon'ble mediator of Bombay High Court circuit bench Kolhapur the date fixed by the Hon'ble mediator is 4<sup>th</sup> March 2026.
- 20) In these circumstances the judicial accountability and judicial discipline shows that bank has committed breached of judicial discipline and obtaining the orders from the same court which has already rejected the application. Hence the none applicant has moved this application. Praying for curbing of such illegal practice and suitable actions against the bank officer who has filed also affidavit and suppress the material facts in his application as well as in his affidavit under section 14 of the SARFAESI ACT.
- 21) That as per judicial discipline the application is rejected by the Hon'ble Court the agreed person has right to move before higher court by using appropriate remedy. Instead of this, filing of separate application by

suppressing this fact and obtaining the order in his favor amongst to contrary to judicial discipline and judicial presidents if this practice is allowed to continue it make create anarchy in the judicial system.

22) The applicant submits that, considering the above stated facts, for action in relation to court proceeding is required to be initiated by the court, hence the present application is filed by the non-applicants praying for the below mentioned reliefs.

23) Hence the non-applicant prays That

I.) The application may kindly be allowed.

II.) Independent enquiry may kindly be directed against the concerned Bank of officer of opponent Bank who has filed false affidavit and mislead the court for taking further legal action in respect of fraud committed by the said officer which is offensive under various sections of BNS Act for further criminal action.  
Under Sec 215 of BNSS Act

III.) Any other relief to which the non-applicants are entitled to make kindly be granted

Place : KOLHAPUR

Date : 02/03/2026



**GROWTH TEXTILES INDIA PVT. LTD.**

Through Mr. Imran Allabax Mujawar

*Drafted & Presented*  
*SSDante*  
*21/3/2026*

  
21/3/26  
**Assistant Superintendent**

**VERIFICATION**

We the applicants **GROWTH TEXTILES INDIA PVT.LTD.** Through Mr. Imran Allabax Mujawar, Age - 45 years Occupation: Business R/o Ichalkaranji states and verifies that the contents of affidavit are true and correct according to best of my information and advice to us.

Place - **ICHALKARANJI**

Date - 02/03/2026



**GROWTH TEXTILES INDIA PVT. LTD.**

Through Mr. Imran Allabax Mujawar

**AFFIDAVITE**

I Imran Allabax Mujawar Age - 45 years Occupation: Business R/o Ichalkaranji states on oath and verifies that

I am the authorised person of the **GROWTH TEXTILES INDIA PVT. LTD.** I have raised factual aspects and legal position in this case the contents of objection are true and correct according to best of my information and advice to me. Hence Affidavit.

Place - **ICHALKARANJI**

Date - 02/03/2026



Mr. Imran Allabax Mujawar

I KNOW THE DEPONENT.



ADV. SANMISH S. DARIBE

  
21/3/26  
**Assistant Superintendent**

**VERIFICATION**

We the applicants **GROWTH TEXTILES INDIA PVT.LTD.** Through Mr. Imran Allabax Mujawar, Age - 45 years Occupation: Business R/o Ichalkaranji states and verifies that the contents of affidavit are true and correct according to best of my information and advice to us.

Place - **ICHALKARANJI**

Date - 02/03/2026



**GROWTH TEXTILES INDIA PVT. LTD.**

Through Mr. Imran Allabax Mujawar

**Solemnly affirmed before me by**

Shri./Smt. Imran Allabax Mujawar

Age 45 Occu. Business of Ichalkaranji

who is identified by Shri. S. S.

Dambe Adv. whom I know Personally

Dt. 02/03/26



Asstt. Supdt.

Civil Court, Sr. Dn.  
Ichalkaranji