

**IN THE COURT OF VIKRAM JIT SINGH
CHIEF JUDICIAL MAGISTRATE, GURUGRAM
(UID No. HR0338)**

CNR No.	HRGR03-175893-2023
CIS No.	CRM 7384 of 2023
Date of Institution	15.09.2023
Date of Decision	05.02.2025

M/s Piramal Capital & Housing Finance Ltd.
Having its Registered Office At : Warden House, 2nd Floor,
SIR P.M. Road, Fort, Mumbai - 400001
And Branch Office at : Unit No. 01 & 09, Ground Floor, GD ITL North
Ex Tower, Plot No. A9, Netaji Subhash Palace, New Delhi – 110034.
Through its Authorized Officer Mr. Pankaj Kashyap.

...Applicant

Versus

- Mohit Lugani**
Flat No. 104, 1st Floor Tower-3, Today Collidora,
Sector-73, Gurgaon, Haryana - 122001

Also At : Flat No. 502, Tower No. 9, Green Sector-48,
Near Park Gurgaon, Haryana – 122002.

Also At : 65, 1st Floor ILD, Trade Center Sohna,
Road, Gurgaon, Haryana – 122101.
- Anu Lugani**
Flat No. 104, 1st Floor Tower-3, Today Collidora,
Sector-73, Gurgaon, Haryana – 122001

Also At : Flat No. 502, Tower No. 9, Green Sector-48,
Near Park Gurgaon, Haryana – 122002.
- Lungani Consultancy Pvt. Ltd.**
Flat No. 104, 1st Floor Tower-3, Today Collidora,
Sector-73, Gurgaon, Haryana – 122001

Also At : Flat No. 502, Tower No. 9, Green Sector-48,
Near Park Gurgaon, Haryana – 122002.

...Respondents.

**Application under Section 14 of the Securitisation and
Reconstruction of Financial Asset & Enforcement of
Security Interest Act, 2002, for taking possession of the**

secured assets

Present :- Sh. Jai Parkash Yadav, Learned Counsel for applicant.

ORDER :-

Vide this order, I shall dispose of the application filed by applicant/secured Creditor under Section 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002, for taking over possession of the secured assets.

2. I have heard the arguments of counsel for applicant bank. I have gone through the relevant provisions of law. I have also perused the original documents relating to the loan/ mortgage and the property in question produced by applicant bank. The documents/affidavit have also been produced in support of the submission that notice of Section 13 (2) of the Act was duly served upon the respondents and despite that the outstanding amount has not been paid within the stipulated period.

3. Section 14 of the aforesaid Act makes it mandatory for the Chief Judicial Magistrate to order taking possession of the assets mortgaged and the documents relating there to and forward such assets and documents to the Secured creditor and for the purpose of securing compliance the court 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.

4. In view of the aforesaid provisions of law and the submission made, I appoint **Ms. Maidini Phul, Advocate Enrollment No. D/1945/2008, District & Sessions Court Gurugram, Mobile No. 9891207609** as receiver with directions to take possession of the Secured Asset i.e. : **“ALL THAT PIECE AND PARCEL PROPERTY**

**BEARING NO. FLAT NO. 104, 1st FLOOR, TOWER-3, TODAY
COLLIDORA, SECTOR-73, GURGAON, HARYANA - 122001”.**

5. The concerned SHO is directed to provide the police assistance including one lady police official and the receiver is directed to submit his report within three months from the date of order in court. Receiver shall give 15 days notice to the authorized officer of the secured creditor and the borrowers/guarantors. Receiver is also directed to serve this notice by way of affixation 15 days prior to taking over possession. This notice shall be affixed on the outdoor or at such conspicuous place of the immovable property and photographs of that place shall be taken including display of notice on property.

6. Receiver is also empowered to break open locks in case premises is found locked and in that eventuality, he shall prepare inventory with regard to the items kept inside the premises and hand over them along with one list duly signed by the witnesses and by the receiver to the borrower, if present at the site, and one copy duly signed by the witnesses and by the receiver will be annexed with his report. Photographs of the locked premises before taking over and after taking over and photographs of the items kept inside the premises shall also be taken by the receiver and be annexed with the report along with negative, if any, and a certificate under Section 65-B of Indian Evidence Act. Broken locks shall be sealed in cloth pulanda and be deposited with applicant bank. The expenses on this account shall be borne by the applicant bank.

7. After taking over the subject property, it should be handed

over to the authorized officer of applicant's bank. Accompanying witnesses shall sign the proceedings. Receiver to ensure that while executing the order there is no stay from any court in respect of the mortgaged property. The fee of the Receiver is fixed at **Rs.50,000/- (Rupees Fifty Thousand Only)** to be paid by the applicant bank within 15 days. One copy of this order along with copy of application be given to the Receiver for compliance, another copy of order be given to petitioner bank and one copy of order be sent to SHO concerned by office.

8. After the appointment of Receiver nothing survives in the petition. Receiver is directed to file the compliance report in the office within three months from today, which be placed on the file and then the file be consigned to record room after due compliance.

9. For removal of doubts, it is made clear that objections/applications, if any, may be preferred by any borrower, guarantor, mortgagor, lessee or any other aggrieved person before the Debt Recovery Tribunal having jurisdiction, as per the amended provisions of Section 17 of SARFAESI Act.

Announced in open Court :
Dated: 05.02.2025

(Vikram Jit Singh)
Chief Judicial Magistrate
Gurugram (UID No. HR0338)

(Puneet)
Stenographer-II

Note : This order consist of Four (04) pages and all the pages have been checked and signed by me.

(Vikram Jit Singh)
Chief Judicial Magistrate
Gurugram. (UID No. HR0338)
05.02.2025

Present :- Sh. Jai Parkash Yadav, Learned Counsel for applicant.

In pursuance of notice, learned counsel for applicant turned up before the Court. An application for substitution of AR of the complainant has been filed by learned counsel for applicant. Heard. In view of the facts mentioned in the application, same stands allowed.

All the documents have been verified. Heard on application under Section 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002, for taking over possession of the secured assets. Vide my separate detailed order of even date, application in hand has been **Allowed**. File be consigned to record room after due compliance.

Announced in open Court :
Dated: 05.02.2025

(Vikram Jit Singh)
Chief Judicial Magistrate
Gurugram (UID No. HR0338)

(Puneet)
Stenographer-II