

MHCC020192012024



BEFORE THE DESIGNATED COURT UNDER M. P. I. D. ACT

CITY CIVIL & SESSIONS COURT, Gr. BOMBAY

ORDER BELOW EXH.06

IN

MPID MISC. APPLICATION NO. 1775/2024

Capri Global Capital Ltd.

...Applicant.

In the matter of :

State of Maharashtra

.. Complainant.

V/s.

1. Ganesh Ramdas Hajare,

2. Deputy Collector & Competent Authority.

(having its office at 3rd Floor, DD Building,
Old Customs House, Fort, Mumbai 400 001).

...Accused

.. Respondents.

Appearance :-

Ld. Adv. Mr. Nilesh Mandavkar i/b. Ms. Anjana Mishra for applicant.

Ld. APP Mrs Chaitrali Panshikar for State.

CORAM : HHJ SHRI N.G. SHUKLA,

ADDITIONAL SESSIONS JUDGE,

COURT ROOM No. 20.

DATED : 30/10/2025.

ORDER

(Dictated and pronounced in open Court)

1. Applicant has filed this application for amendment to insert para 18A in the body of the application and additional prayer in the relief clause of the application. Ld APP filed a reply in handwriting and opposed the application.

2. The main application is filed in connection with property attached in MPID Spl.Case No.23 of 2018 by way of Notification dated 28.5.2020. The applicant is a Financial Institution with which the accused in the aforesaid case had mortgaged the property. In the application Exh.27 in MPID Spl.Case No.23/2018, present applicant had filed its reply raising its contention that, the property is mortgaged and it is covered under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short, 'SARFAESI Act').

3. My Ld. Predecessor while dealing with application Exh.27 by order dated 22.2.2021 considered the said reply as an objection u/s.7 of MPID Act. The present application is filed by the applicant for permission to auction the attached property. Even though My Ld. Predecessor considered the said reply as an objection u/s.7 of the Act but said objection is not yet decided. This fact is revealed at the time of hearing the main application. Hence, Ld. Advocate for the applicant moved this application Exh.6 for amendment to consider the present main application as objection u/s.7 of the MPID Act and for that, sought to amend the application.

4. After considering the entire facts and circumstances, instead of reopening the reply to Exh.27 as objection, it will be proper to allow the present amendment application and consider the present main application as objection u/s.7 of MPID Act. Whether the permission for auction can be granted or not is a matter of merit to be decided along with objection u/s. 7 of the said Act. Ld APP objected to allow the amendment application on the ground that various prayers are made in the main application as well as in the present application. However, there is no substance in the said objection as the position is very clear that only the relief regarding deciding the objection u/s.7 of the Act is sought to be inserted and further prayer is

about permission to auction the property. Whether to grant both the prayers or not, is the matter of hearing the main application. Thus, it is not necessary to consider the said prayer while deciding the present application. Hence, I do not find any hurdle to grant the amendment application, rather it will help to smoothly decide the main present application. Hence, I proceed to pass the following order:

ORDER

1. Application(Exh.6) in MPID Misc. Application No.1775/2024 is allowed.
2. Applicant is permitted to carry out amendment as per schedule (a) of the present application in the main application, within limitation.
3. After amendment, applicant to file copy of amended application and serve it on the EOW and Competent Authority for filing their reply, if any.
4. Application (Exh.6) in MPID Misc. Application No.1775/2024 is disposed of accordingly.



(N.G. SHUKLA)

Designated Judge under MPID Act,
City Civil & Sessions Court,
Gr.Bombay (C.R.NO.20)

Dt.30.10.2025

Dictated on 30.10.2025

Transcribed and draft given (through google-drive) to HHJ on 31.10.2025

Signed by HHJ on 3.11.2025

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CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER

Name of Steno : N.V Ubale (SG Stenographer)
Upload date : 3.11.2025.

Name of the Judge	H.H.THE ADDL. SESSIONS JUDGE SHRI N. G. SHUKLA (C.R.No.20)
Date of Pronouncement of Order	30.10.2025
Order signed by P.O. on	3.11.2025
Order uploaded on	3.11.2025