

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE**(PRESIDED OVER BY : M. P. BHAVSAR)****CRIMINAL M. A. NO.3609/2026****CNR No.: MHPU04-026166-2026****ORDER BELOW EXH.1****Phoenix ARC Limited ... Applicant****(Acting as Trustee of Phoenix Trust FY 20-9)**

3rd Floor, Wallace Towers (earlier known as
Siv Building), 139/140/B/1, Crossing of
Sahar Road and Western Express Highway,
Vile Parle East, Mumbai, Maharashtra –
400057

V/s.**1) Mr. AMOL CHANDRAKANT CHAUDHARI ... Respondents**
(Borrower)**2) Mr. CHANDRAKANT RANU CHAUDHARI**
(Co-Borrower)

All R/at: AT POST NAIGAON, GAONTHAN
NAIGAON, HAVELI PUNE PUNE,
MAHARASHTRA, (INDIA)-412110.

CHAITANYA ENTERPRISES AT, POST
NAIGAON GAONTHAN, NAIGAON, HAVELI,
PUNE, PUNE 412110.

PLOT NO 17 GAT NO 1025 ASHTAPUR,
NEAR GANESH TEMPLE TAL, HAVELI, PUNE
411028 MAHARASHTRA INDIA

Read the application filed by applicant under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for taking over secured asset. (Hereinafter referred as “SARFAESI Act” for short). Perused the affidavit filed by the authorized person of the applicant as contemplated under the proviso of Section 14(1) of the SARFAESI

Act. Heard Advocate for the applicant.

2) The Advocate for applicant submitted that, the applicant had sanctioned loan to the respondents. As they failed to repay the loan amount it becomes NPA. So the applicant issued notice under Section 13(2) of the SARFAESI Act to the respondents. The respondents failed to discharge their liability within prescribed period of 60 days from the receipt of notice. Therefore, the applicant has filed this application along with documents in order to compliance under the Act hence, it may kindly be allowed.

3) Perused the record. On perusing record, it appears that the applicant has filed following documents;

Sr, No.	Particulars		Details
1)	Amount of loan	:	Rs.14,17,747/- (Rupees Fourteen Lakhs Seventeen Thousand Seven Hundred Forty Seven Only) under Loan Account No. LXPUN00316-170049151
2)	Date of NPA	:	31/05/2018
3)	Date of Claim notice under Sec. 13(2) of the SARFAESI Act	:	06/07/2018
4)	Outstanding amount	:	Rs.14,76,701/- (Rupees Fourteen Lakhs Seventy Six Thousand Seven Hundred One Only) as on 06/07/2018.

5)	Date of Acknowledgment/ remark	:	Notice not delivered. Hence, published in newspapers.
6)	Date of Paper Publication	:	The applicant published Demand Notice in daily newspaper namely in The Free Press Journal (English) and Loksatta (Marathi) in the editions dated 13-08-2018.
7)	Property Details (Secured Asset)	:	All that piece and parcel of property PLOT NO. 17 GAT NO.1025 ASHTAPUR, NEAR GANESH TEMPLE, TAL- HAVELI, PUNE 411028 MAHARASHTRA.

4) As per ratio laid down by Hon'ble Supreme Court in **The Authorised Officer, Indian Bank V/s. D. Visalakshi and Ors, reported in MANU/SC/1303/2019** that CJM is competent to proceed the request of the Applicant to take possession of the secured assets U/s. 14 of the SARFAESI Act. As per ratio laid down by Hon'ble Supreme Court in **"Balkrishna Rama Tarle (Dead) through LRs & Anr. V/s. Phoenix ARC Pvt. Ltd. & Ors., 2022 SCC OnLine SC 1280"** and As per ratio laid down by Hon'ble Bombay High Court in **"Phoenix ARC Private Limited V/s. The State of Maharashtra, reported in MANU/MH/2755/2022"** that the jurisdiction of the CJM U/s. 14 of the SARFAESI Act is purely ministerial and limited only so, no notice is necessary to be issued to borrower, possessor or objector and contemplated legality and validity of the deed executed in respect of secured assets, according to law, while deciding application under Section 14 of the

SARFAESI Act and as such I have not issued any notice to borrower, possessor or objector i.e. Respondents and not considered legality and validity of the mortgage deed.

5) At the time of possession order under Section 14 of SARFAESI Act, the Court has to see whether notice under Section 13(2) of the SARFAESI Act is sent or not and whether the secured property is in the jurisdiction of this Court or not.

6) Perused all the documents. On perusing all the documents, it appear that the Applicant had issued Claim Notice U/s.13(2) of the SARFAESI Act, to the Respondents but the Respondents despite service of said notice failed and neglected to make the payment of the said outstanding amount. The Respondents failed to make repayment of outstanding loan amount within 60 days. The secured assets mentioned in the schedule is within the jurisdiction of this Court, therefore, there is no any hurdle to authorize the Applicant to take over the possession of the secured assets. For all these reasons, I hold that this application is necessary to be considered U/s.14 of the SARFAESI Act. Hence, I pass following order:

ORDER

- 1) The Application is allowed.
- 2) The authorized officer of the Applicant is hereby accredited to take the possession of scheduled secured assets mentioned in the application, as per the provisions of the SARFAESI Act, with the help of the concerned police station.

- 3) **Adv. Varun Gramopadhye (MAH/12997/2021)** is appointed as Court Commissioner to take possession of the secured assets mentioned above by breaking open the locks, if property is found locked and directed to forward the possession of the said property to the Applicant.
- 4) In-charge of 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.
- 5) The Applicant shall have to bear the requisite charges of Court Commissioner at Rs.10,000/- per property.
- 6) Compliance of this order be reported within 180 days from the date of receipt of this order.
- 7) Issue order accordingly.

Pune
Date: 31/07/2026

(M. P Bhavsar)
Chief Judicial Magistrate, Pune

CERTIFICATE

I affirm that the contents of this P.D.F file order are same word for word as per original order.

Name of Steno	:	Mr. Kailas V. Marathe, Stenographer (Grade-II)
Court Name	:	Hon'ble M. P. BHAVSAR Chief Judicial Magistrate, Pune.
Date of order	:	31/07/2026
Order signed by P. O. on	:	31/07/2026
Order uploaded on	:	31/07/2026