

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER
PASSED BY SUBORDINATE COURT) NO. 326 of 2026**

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BANK OF BARODA THROUG CHIEF MANAGER HARIT BRAJ
GOPAL S/O K.N.SHARMA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR DEVANG D TRIVEDI with MR PIYUSH TRIVEDI (2503) for the
Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 09/02/2026

ORAL ORDER

1. Heard, learned advocate Mr. Devang Trivedi with learned advocate Mr. Piyush Trivedi for the applicant.

1.1 The learned advocate for the applicant, drawing attention of the Court to Section 26E of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), which came into effect by way of amendment in the year 2016 and in view of the decision of the Apex Court in the case of ***Kotak Mahindra Bank Limited v. Girnar Corrugators Pvt. Ltd., rendered in Civil Appeal No. 6662 of 2022***, while interpreting Section 26E of the SARFAESI Act has held that, subsequent amendment shall

have precedence over the earlier enactment.

1.2 The learned advocate for the applicant would further submit that even prior to lodging of the complaint and attachment of the properties being Office No. 1301, 1302, 1303, 13th Floor, Regent Chambers Premises Co-op. HSG. Society, Ltd. along with Terrace and Parking Spaces Nos. 45 and 46, Plot No. 208, Block No. III, Bombay Backbay Reclamation, Nariman Point, Mumbai, by the Enforcement Directorate (ED), the same were already mortgaged with the applicant – Bank of Baroda.

2. In the aforesaid view of the matter and in light of the fact that the Prevention of Money Laundering Act came to be notified on 17.01.2003, the present matter requires consideration. Hence, issue **Notice**, returnable on **13th March 2026**. Learned Additional Public Prosecutor waives service for the respondent – State.

2.1 Any orders passed by the adjudicating authority shall be subject to the outcome of this application.

2.2 **Direct service** *qua* the rest is permitted, which may be served through any of the permissible modes of service.

[P. M. Raval, J.]

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