

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6606 of 2026**

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M/S ROZI SAGAR SEA FOOD HITENBHAI CHHAGANBHAI LODHARI &
ANR.

Versus

AUTHORISED OFFICER OF BANK OF INDIA, & ORS.

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Appearance:

MS JIGISHA N RAVAL(12724) for the Applicant(s) No. 1,2

MR MANAN MAHETA, APP for the Respondent(s) No. 5

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 07/05/2026

ORDER

1. Learned Advocate for the petitioners submitted that learned 4th Additional Chief Judicial Magistrate, Porbandar vide order dated 17.02.2026 has authorized one Mr. U.N. Lalkiya, Senior Clerk of the Court under Section 14(1-A) of the SARFAESI Act, for taking possession of the property in question and pursuant thereto the Court Commissioner has issued notice for taking over the possession of the property in question on 21.04.2026. She further submitted that in view of the settled law, the subordinate staff of the Court cannot be appointed as Court Commissioner. She also seeks to rely upon the judgment of the Hon'ble Apex Court in the case of **NKGSB Co-operative Bank Limited Vs. Subir Chakravarty & Ors.** reported in (2022) 10 SCC 286.

2. Heard learned Advocate for the petitioners. Having regard to the fact that in view of the judgment of the Hon'ble Apex Court in the case of **NKGSB Co-operative Bank Limited (supra)**, the staff of the subordinate court cannot

be appointed as a Court Commissioner for taking over the possession under Section 14(1-A) of the SARFAESI Act, issue Notice, returnable on 31.08.2026. Learned APP waives service of notice on behalf of the respondent State.

3. In the meantime, there shall be Ad-interim relief in terms of Para-8(C) till the next date of hearing.

Direct service is permitted.

RAVI OZA

(M. R. MENGDEY,J)