

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16428 of 2024**

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BAJAJ FINANCE LTD
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR ABHISHEK MEHTA for MR PARAM V SHAH(9473) for the Petitioner
MR BHARAT VYAS, AGP for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 05/12/2024****ORAL ORDER**

Heard the learned counsel for the petitioner.

Learned counsel submits that the petitioner is a Non-Banking Finance Institution and the subject properties were auctioned by the petitioner due to default in payment of the loan amount by the erstwhile owner. He submits that auction has taken place and the revenue authorities have refused to register the sale on the ground that the subject properties are attached under the Gujarat Protection of Interest of Depositors Act, 2003. He submits that the SARFAESI Act being Central legislation has overriding effect on the State Act. He places reliance on the judgment of High Court of Andhra Pradesh in Writ Petition No.21029 of 2017 decided on 18.6.2024, whereby, in a similar issue arisen before the High Court of Andhra Pradesh, the Court has held that the Central Legislation will prevail over the State Legislation.

Issue **NOTICE** returnable on **06.01.2025**.

Learned Assistant Government Pleader waives service of notice for and on behalf of the respondent Nos.1 to 3.

Direct Service for respondent Nos.4 to 7 is permitted.

OMKAR

Sd/-
(ANIRUDDHA P. MAYEE, J.)