

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 6456 OF 2026**

Cholamandalam Investment & Finance  
Company Ltd. ... Petitioner  
vs.  
The State of Maharashtra,  
Representing Senior Police Inspector,  
APMC Police Station, Vashi, and others ... Respondents

Mr. Charles Desouza a/w. Mr. Alok D. Mishra for petitioner.  
Ms. P. M. J. Deshpande, AGP for respondent Nos.1 and 2 – State.

**CORAM : MANISH PITALE &  
FARHAN P DUBASH, JJ**

**DATE : 07<sup>th</sup> MAY, 2026**

**P.C. :**

. The petitioner is a secured creditor and it is constrained to approach this Court seeking appropriate directions to the respondent – State authorities to provide meaningful assistance for taking physical possession of the secured asset.

2. In the present case, the competent Magistrate passed an order dated 29.01.2026, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), for taking physical possession of the secured asset. For the said purpose, an advocate was appointed as Court Commissioner.

3. As per the directions issued by a Division Bench of this Court in the case of *L & T Finance Limited vs. State of Maharashtra and others*, **2023 SCC OnLine Bom 931**, in paragraph No.23(b), it was directed that such an order passed by the competent Magistrate, ought to be executed within four weeks of the date of the order. In

the present case, the said direction stood violated, due to lack of support from the respondent – State authorities.

4. In the first instance, the Court Commissioner fixed the date for taking possession of the secured asset as 17.04.2026. But, since appropriate assistance was not provided by police, physical possession could not be taken. Thereafter, the next date was fixed as 04.05.2026. Again, the attempt failed due to lack of police assistance. Now, the Court Commissioner had been constrained to fix 25.05.2026 as the next date for carrying out the said exercise.

5. The learned AGP appears on behalf of respondent Nos.1 and 2. On instructions, she makes a statement that on 25.05.2026, necessary police assistance shall be provided for carrying out the aforesaid exercise.

6. In that light, we direct that respondent No.1 – Senior Inspector of Police, APMC Police Station, Vashi, shall provide appropriate assistance to the Court Commissioner in taking physical possession of the secured asset on 25.05.2026. He shall provide sufficient police personnel along with lady constables for ensuring that physical possession is taken on the aforesaid date. Police shall use appropriate, reasonable and necessary force to execute the said direction.

7. In the event the aforesaid directions issued by this Court are not complied with, the Senior Inspector of Police, APMC Police Station, Vashi, shall remain personally present in this Court on the next date of listing.

8. List under the caption 'for compliance' on 12.06.2026.

**(FARHAN P. DUBASH, J.)**

**(MANISH PITALE, J.)**