

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6232/2026

Tyger Capital Private Limited, (Formerly Known As Adani Capital Private Limited) Corporate Office 1 Bkc, C Wing, 1004/5, 10Th Floor, Bandra Kurla Complex, Bandra East, Mumbai - 400051
Registered Office - Adani House, Navrangpura, Ahmedabad - 380009, Through Authorized Officer Shri Rohan Bagri.

-----Petitioner

Versus

1. Shankar Lal Ameta S/o Devi Lal Ameta, Resident Of Karda, Udaipur - 313001. Also At - Patta No. 11304, Village And G.p. Karda, Panchayat Samiti - Godunda, Distt. Udaipur, (Raj.) - 313001.
2. Rekha Ameta W/o Shankar Lal Ameta, Resident Of Karda, Udaipur - 313001.

-----Respondents

For Petitioner(s)	:	Mr. Tananjay Parmar Mr. Puneet Chahar
For Respondent(s)	:	

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

23/03/2026

1. Present writ petition has been filed challenging order dated 16.04.2025 passed by Chief Judicial Magistrate, Udaipur, ("*learned Magistrate*"), whereby, on the application moved by petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("*SARFAESI Act*") for getting possession of secured assets of Respondent Nos. 5 and 6, learned Magistrate has directed petitioner to approach the police department for taking such possession and to deposit the expenses of such police assistance.

2. Learned counsel for the petitioner submits that police vide letter dated 27.02.2025 (Annexure-3) has directed petitioner to deposit Rs. 6,34,383/- for police assistance in taking possession of the secured assets of Respondents, whereas the loan amount to be recovered is only Rs. 9,90,000/-.

3. Learned counsel for the petitioner contends that under Section 14 of the SARFAESI Act, there is no provision requiring secured creditor to deposit any expenses for seeking police assistance in taking possession of secured assets.

4. Learned counsel for the petitioner has placed reliance upon judgment dated 14.11.2024 passed by Division Bench of the Allahabad High Court in **Writ Petition NO. 9723** titled ***PNB Housing Fiance Ltd. v. State of U.P. & Ors.*** and judgment dated 19.04.2022 passed by Coordinate Bench of this Court in ***S.B. Civil Writ Petition No.2310/2022*** titled ***Valeed Ahmed & Anr. v. The Commissioner of Police, Jodhpur & Ors.***

5. At this stage, learned counsel for the petitioner makes a limited prayer seeking deletion of aforesaid condition of depositing the expenses of police assistance as stipulated in impugned order dated 16.04.2025.

6. Learned counsel for the respondent vehemently opposes prayer so made by learned counsel for the petitioner.

7. Heard learned counsel for the parties and perused the material available on record.

8. Evidently, there is no provision under Section 14 of the SARFAESI Act which authorizes learned Magistrate to direct secured creditor to deposit any expenses towards securing police assistance in taking possession of secured assets.

9. In this view of the matter, direction given by learned Magistrate vide impugned order dated 16.04.2025 to petitioner for depositing the expenses towards police assistance is hereby set aside.

10. Petitioner is directed to move execution application before concerned police authorities to comply with impugned order dated 16.04.2025, and the police authorities shall comply with aforesaid order dated 16.04.2025 at the earliest.

11. With aforesaid directions, present writ petition is **disposed of**.

12. Pending application(s), if any, also stands disposed of.

(SANJEET PUROHIT),J

22-shashikant/-