



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 8453 of 2026

Edelweiss Assets Reconstruction Company Ltd

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prabhav Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

1. Sri Archit Mishra, learned Advocate has put in appearance on behalf of borrower by filing a vakalatnama, which is taken on record.
2. Heard Sri Prabhav Srivastava, learned counsel appearing for the petitioner, Sri Archit Mishra, learned counsel for the borrower and Sri Mukul Tripathi, learned Standing Counsel for the State respondents.
3. The issue in the matter is that once the petitioner secured creditor was handed over the possession of the secured assets by the prescribed authority under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (herein after referred to as '*the SARFAESI Act, 2002*') would the authority become *functus officio* to entertain any such application further in respect of the same property or the authority will still be there having jurisdiction under Section 14 of the SARFAESI Act, 2002 at the instance of the secured creditors.
4. Learned counsel appearing for the petitioner has relied upon the Division Bench's judgment of the Madhya Pradesh High Court at Jabalpur (Gwalior Bench) in the matter of ***Capri Global Housing Finance Ltd. vs. The State of Madhya Pradesh & Others (Writ Petition No. 21222 of 2025)*** decided on 01.07.2025, in which the Division Bench has relied further upon a judgment of ***H.D.B. Financial Services Limited vs. The State of Maharashtra & Ors. (W.P. 1080/2024)***.
5. Per contra, it is argued on behalf of the petitioner that no such second

application under Section 14 of the SARFAESI Act, 2002 shall be entertainable and the remedy lies in common law for the secured creditor as it would be another cause of action not relating to the SARFAESI Act, 2002.

6. Interesting legal question has been raised.

7. Let learned Standing Counsel shall obtain instructions in the matter.

8. List this matter on 31.03.2026.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

February 27, 2026

#Vikram/-