

ITEM NO.38

COURT NO.5

SECTION XII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 32916/2022**

**(Arising out of impugned final judgment and order dated 15-06-2022 in CRLOP No. 22666/2021 15-06-2022 in CRLMP No. 12338/2021 passed by the High Court Of Judicature At Madras)**

**M/S. PHOENIX ARC PRIVATE LIMITED**

**Petitioner(s)**

**VERSUS**

**V. GANESH MURTHY & ANR.**

**Respondent(s)**

**(WITH IA No.174450/2022-CONDONATION OF DELAY IN FILING )**

**Date : 25-11-2022 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE M.M. SUNDRESH**

**For Petitioner(s) Mr. Vikas Kumar, Adv.  
Mr. Himanshu Menghani, Adv.  
M/S Corporate Legal Partners, AOR**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following  
O R D E R**

**Delay condoned.**

Learned counsel appearing for the petitioner has vehemently submitted that by the impugned judgment and order the Hon'ble High Court has set aside the order passed by the District Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short, 'the SARFAESI Act') while exercising powers under section 482 of the Code of Criminal Procedure (Cr.P.C.). It is further submitted that against the order passed by the District

**Magistrate under Section 14 of the SARFAESI Act, proceedings under section 482 of Cr.P.C., are not maintainable at all.**

**Issue notice for final disposal returnable on 13.12.2022.**

**Dasti, in addition, is permitted.**

**(SANJAY KUMAR-II)**  
**ASTT. REGISTRAR-cum-PS**

**(NISHA TRIPATHI)**  
**ASSISTANT REGISTRAR**