

In that case, the issue was whether the Bank would have first charge over the assets of a company to which it had issued a loan, or whether it would be the Provident Fund Commissioner who would have first charge over such assets, to pay off the dues of the company to its employees, under the Act of 1952.

After considering the law on the subject, including the judgments in *Maharashtra State Co-operative Bank* (supra), and another judgment also involving the same bank (*Maharashtra State Co-operative Bank v. Kannad Sahakari Sakhar Karkhana Limited and others* (2014) 14 SCC 456), it was held that the first charge created under the Act of 1952 would prevail over the SARFAESI Act, 2002.

- ***Maharashtra State Co-operative Bank v. Kannad Sahakari Sakhar Karkhana Limited*(2014) 14 SCC 456**
- ***Indian Overseas Bank v. Employees Provident Fund Organization*(Sessions Civil Application no. 4879 of 2017), decided on 10.04.2017 (Gujarat High Court)**
- ***Employees Provident Fund Commissioner v. O.L. of Esskay Pharmaceuticals Limited*(2011) 10 SCC 727**
- ***Union of India and others v. SICOM Ltd.* (2009) 2 SCC 121**