

Sarfaesi Act, S. 14 - The SARFAESI Act is intended to facilitate quick recovery of secured debts without extending any opportunity of hearing to a borrower and without judicial/quasi-judicial intervention till such time possession of the secured asset is taken by the secured creditor after serving the requisite notices and responding to the objection/representation that may be lodged/preferred by the borrower under section 13(3A) - Decision by a quasi-judicial authority (see section 17) upon compliance with natural justice stands deferred till such time possession, either symbolic or physical, is taken - The SARFAESI Act does not remotely suggest compliance with natural justice at the stage when section 13(4) or 14 operates - If a borrower has no right of hearing when the secured creditor takes possession under section 13(4), a *fortiori*, no hearing can be demanded by a borrower when he succeeds in resisting possession being gained over by the authorized officer of the secured creditor or does not on his own surrender possession, and thus compels such officer to work out the remedy by seeking assistance of the District Magistrate/Chief Metropolitan Magistrate, as the case may be, under section 14 - Only a post-possession right to approach the tribunal is conferred on a borrower in terms of section 17, nothing more and nothing less.

[CA. MANISHA MEHTA v. ICICI BANK , 2022 SCeJ 0360 \(Bom.\)](#)