

## **Abridged Index**

## I.L.R. - Index of reported cases dt. 27.08.2025

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Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Central Act 54 of 2002)—Sections 13 (2), (4) and (8)—Unless a case of fraud and misrepresentation is substantially demonstrated, mere inclusion of a third-party property in the sale certificate cannot by itself, be a basis to establish fraud—Mere piecing together of some instances and documents to raise suspicion is not sufficient to establish fraud and collusion as a ground for setting aside an auction sale—Question as to whether movable and immovable properties are separate or linked is a question of fact—Once the list prima facie indicates certain items which could be sold separately, it was incumbent upon the Bank to establish that those items had no independent value and necessarily had to be sold along with the resort— Purpose and intent of a sale under SARFAESI Act and Rules, is to fetch the best and maximum price for the secured assets—Security Interest (Enforcement) Rules, 2002 (Central Rules)— Rules 5 ,6, 7, 8 and 9 - M/s Everspace Realty L.L.P. v. M/s Vasu Coco Resorts Pvt Ltd and others - I.L.R. 2025 Kerala OnLine 274: Neutral Citation No. 2025:KER:56663

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Central Act 54 of 2002) — When there are specific

pleadings by the Borrower regarding the conduct of Auction Purchaser, it is the duty of the DRT/DRAT to examine whether the conduct of the Bank was transparent and fair—If Writ Court finds a fundamental error in law in conducting the sale resulting in prejudice, interference in writ jurisdiction to set aside order of DRAT is possible —Constitution of India—Articles 226 and 227 - M/s Everspace Realty L.L.P. v. M/s Vasu Coco Resorts Pvt Ltd and others - I.L.R. 2025 Kerala OnLine 274: Neutral Citation No. 2025:KER:56663.

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