

07.08.2026

Sl. No.: ADSL-1(3PM)

Court No.7

BM

WPA 20464 of 2026

SK. ASRAF ULLAH

VERSUS

**AUTHUM INVESTMENT AND INFRASTRUCTURE
LIMITED & ORS.**

Mr. Vivekananda Ghosh

Mr. Rahul Kumar Singh

Mr. Arka Chandra Roy

... for the petitioner

Mr. Rajdeep Biswas

Mr. Aonishesh Dey

... for the respondent nos.1 & 2

1. This writ petition assails an order dated January 15, 2026 passed by the learned Additional Chief Judicial Magistrate, Contai in Misc. Case No.424 of 2025 initiated on the basis of respondent no.1's application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

2. The petitioner is a co-borrower in respect of certain credit facilities availed of from the respondent no.1 for the purpose of business. The said credit facilities are allegedly in default.

3. The respondent no.1 has, therefore, initiated proceedings under the 2002 Act and has in the process approached the learned Additional Chief Judicial Magistrate, Contain by way of an application under Section 14 of the 2002 Act.

4. The said application has been disposed of by the order impugned.

5. It is the petitioner's case that the petitioner has received the order on July 26, 2026.

6. Learned Advocate appearing for the petitioner submits that the impugned order passed under Section 14 suffers from serious jurisdictional and other errors.

7. It is further submitted that since the respondents have threatened to take possession tomorrow there is little time left for the petitioner to approach the Debts Recovery Tribunal.

8. Learned Advocate appearing for the respondent nos.1 & 2 submits that the order was passed long back and the petitioner could have availed the appropriate statutory remedy.

9. However, the Learned Advocate appearing for the petitioner submits that although the order appears to have been passed on January 15, 2026, the same has been served upon the petitioner only on July 26, 2026.

10. Heard Learned Advocate appearing for the respective parties and considered the materials on record.

11. An order passed under Section 14 of the 2002 Act is assailable under Section 17 of the said Act before the relevant Debts Recovery Tribunal.

12. Although existence of alternative remedy is not a total bar for invocation of writ jurisdiction of the High Court yet for the High Court to exercise such jurisdiction the case before it must be one which involves public law element and falls within one of the

well settled exceptions like violation of principles of natural justice; violation of fundamental rights; challenge to vires of any statute and absolute/inherent lack of jurisdiction. The case at hand does not appear to be so.

13. This Court is therefore not minded to entertain this writ petition.

14. The petitioner is left free to approach the relevant Debts Recovery Tribunal by filing appropriate application in accordance with law.

15. Since, a case of urgency has been pleaded by the petitioner, if an application is made before the learned Debts Recovery Tribunal, the Tribunal is requested to bestow its attention to the same having due regard to the urgency pleaded before it.

16. Although no mandatory order is being made, yet, the petitioner is left free to approach the respondent nos.1 & 2 by way of appropriate representation seeking further time as a breather for him to approach the relevant Debts Recovery Tribunal so that he may assert his right *inter alia* in respect of the subject property.

17. If such application is made, it is expected that the respondent nos.1 & 2 consider the same as they deem fit and proper in accordance with law.

18. WPA 20464 of 2026 stands disposed of. No costs.

(Om Narayan Rai, J.)