

WPA 22590 of 2026

27.08.26
D/L
Sl-11
Ct. 07
(Samar)

Shri Bajarang Appaso Ghadge & Anr.
Vs.
Union of India & Ors.

Mr. Siddartha Paul,
Mr. A. Das,

....for the petitioners.

Mr. Avishek Guha,
Mr. Sonal Agarwal,
Mr. A. Dutta,

....for the ICICI Bank.

1. Affidavit of service filed in Court today is taken on record.
2. This writ petition assails a notice dated July 30, 2026 issued by the respondent no. 5 (ICICI Bank Limited) under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
3. The petitioner asserts that the said notice was issued on the strength an order dated April 28, 2026 passed by the learned Chief Judicial Magistrate at Howrah on the Bank's application under Section 14 of the 2002, Act.
4. It is well settled that an order under Section 14 of the 2002 Act is a step taken after Section 13(4) thereof and as such amenable to the jurisdiction of the relevant Debts Recovery Tribunal under Section 17 of the 2002 Act. The petitioner, therefore, has an effective alternative remedy before the relevant

Debts Recovery Tribunal.

5. Although, existence of an alternative remedy is not a bar to this Court exercising its writ jurisdiction however, since this case does not involve any public law element and since it does not fall within any of the well settled exceptions that warrant exercise of writ jurisdiction under Article 226 of the Constitution of India (i.e. violation of principles of natural justice or enforcement of fundamental rights or challenge to the vires of any statute or an act wholly without jurisdiction), this Court is not inclined to exercise discretion in favour of the petitioners.
6. In view of the aforesaid, this writ petition is not entertained.
7. WPA 22590 of 2026 is disposed of leaving the petitioner free to approach the relevant Debts Recovery Tribunal in accordance with law.
8. It is made clear that this Court has not gone into the merits of the petitioner's case and all points are left open to be decided by the relevant Debts Recovery Tribunal, if approached, in accordance with law.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)

