

Daily List 3.
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December 21,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.7805 of 2020

**Debabrata Pradhan
Versus
Reserve Bank of India and others**

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick.
...for the petitioner.

The petitioner argues that the petitioner is armed with a decree of civil court in his favour, despite which the State Bank of India is proceeding against the petitioner under the SARFAESI Act.

On the face of it, the writ petition is not maintainable due to availability of an equally efficacious alternative remedy before the Debts Recovery Tribunal. Even if the petitioner has a civil court's decree, the effect and evidentiary value of the same in the context of the SARFAESI proceedings is to be adjudged by the Debts Recovery Tribunal upon the petitioner approaching the same.

WPA 7805 of 2020 is thus dismissed as not maintainable.

Liberty is given to the petitioner to approach the appropriate forum with the same reliefs as prayed

here. If so approached, the said forum shall decide upon the same in accordance with law.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)