

06
18.11.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27490 of 2024

**Susmi Dasgupta
-versus-
Bank of Boroda & Ors.**

**Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Siddhartha Banerjee,
Mr. S. Dutta,
Mr. Arkaprava Sen,
Mr. R.K. Singh.
...For the Petitioner.**

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the State.**

**Mr. Dipanjan Datta.
...For the Bank.**

**Mr. Rupak Ghosh,
Mr. Ritotam Sarkar,
Mr. S. Bhattacharyya.
...For the Respondent No.5.**

**Mr. Neemani Srinivas,
Mr. Sayantan Kar.
...For the Private Respondents.**

1. The petitioner is aggrieved by the action taken by the Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It has been submitted that the petitioner is neither the borrower nor the guarantor. No amount of money is due and payable by the petitioner. The asset of the property has already been taken over by the Bank. The petitioner seeks remedy.

2. According to Section 17(1) of the Act any person, aggrieved by any of the measures referred to in Sub-Section 4 of Section 13 taken by the secured creditor or his authorized officer under the Chapter may make an application along with such fee, as may be prescribed, to the Debts Recovery Tribunal having jurisdiction in the matter within 45 days from the date on which such measure had been taken.

3. It has been laid down by several judicial pronouncements that 'any person' mentioned in Sub-Section 1 of Section 17 of the Act brings within its fold not only the borrower or the guarantor but also any other person who may be affected by any action taken under Section 13(4) or Section 14.

4. As the petitioner submits that she is aggrieved by the action taken under Sections 13 and 14 of the Act, accordingly, it will be open for the petitioner to approach the Debts Recovery Tribunal for relief.

5. In the event an application is filed by the petitioner before the Tribunal, the same shall be adjudicated by the Tribunal in accordance with law, at the earliest.

6. The writ petition stands disposed of.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)