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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 107 of 2025

Madhusudan Saha
Versus
Aditya Birla Finance Limited & Ors.

Mr. Dhiman Ray
Mr. Sanat Kumar Dutta
Ms. Adrita Dey
Mr. Dip Chand
Mr. Pritam Modak
... For the Petitioner.

1. The instant revisional application has been filed, inter alia, challenging the order dated 14th November, 2024 passed in IA No. 4303 of 2024 under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).
2. The petitioner claims the status of a tenant in respect of a secured asset. The learned Presiding Officer of Debts Recovery Tribunal -3, Kolkata had disbelieved the petitioner's case and rejected the application. It also appears from the order sheet that independent of the aforesaid application, an application was filed by the borrower which had also been entertained by a separate order dated 14th November, 2024. By such order, the Presiding Officer had directed the

Financial Institution not to take any coercive steps in respect of the secured property without leave of the Tribunal till the next date of hearing.

3. Having regard thereto, the apprehension of the petitioner that if the petitioner proceeds before the learned Appellate Tribunal as provided in the scheme of the SARFAESI Act, the petitioner may be evicted in compliance of the direction passed by the order of the learned Chief Judicial Magistrate under Section 14 thereof, dated 5th October, 2024 is unfounded.
4. I find that there is an alternative remedy available to the petitioner provided under Section 18 of the SARFAESI Act.
5. In view thereof, at this stage, I am not inclined to entertain the revisional application. However, since the aforesaid revisional application is not being entertained on the ground of alternative remedy, and considering the pendency of the application before this Court, the petitioner shall be at liberty to apply before the learned Appellate Tribunal.
6. In the event, the petitioner applies before the learned Appellate Tribunal within a period of one week from date, such application shall be taken into consideration and be decided by the learned Appellate Tribunal in accordance with law, and

on merits.

7. The revisional application is accordingly disposed of. The petitioner is directed to serve the copy of the revisional application along with this order on the opposite parties.
8. The parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court as also on the basis of the communication of the learned advocate for the petitioner.

(Raja Basu Chowdhury, J.)