

08.12.2025
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WPA 3786 of 2025
with
CAN 1 of 2025

Sandeep Bose & Anr.
Vs.
Punjab & Sind Bank & Ors.

Mr. Sourav Sengupta
.... for the petitioners
Mr. Ranjit Singh
Ms. Tutul Das
Mr. Amar Singh
Mr. Pranit Biswas
Ms. Aditi Gupta
Ms. Gunjan Jain
..... for the respondent Bank

In Re : CAN 1 of 2025

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. By consent of the parties, the application for recalling being CAN 1 of 2025, is treated as on day's list.
3. This is an application for recalling of the order of dismissal dated May, 7, 2025. Sufficient grounds have been shown to recall the order of dismissal of May, 7, 2025.
4. The order is recalled and the matter being WPA 3786 of 2025 is restored to its original file and number.
5. The application being CAN 1 of 2025 is, thus, disposed of.

In Re : WPA 3786 of 2025

1. The petitioners seek to challenge the acts of commission and/or omission of the respondent Bank, in taking steps against the petitioners as the borrowers and guarantors of several loans.
2. Mr. Sengupta, learned Advocate appearing for the petitioners, argues that the Bank has defaulted on two grounds :
3. First, the Bank has violated the Master Direction, issued by the Reserve Bank of India, dated July 21, 2016, made specifically for Micro, Small and Medium Enterprises (MSME) Sector;
4. Second, that even upon making payment as late as on October 6, 2023, the Bank proceeded to issue a notice declaring the accounts of the petitioners as the non-performing assets on October 10, 2023.
5. Mr. Biswas, learned Advocate appearing for the respondent Bank, submits that the writ petition is not maintainable and also that the Bank had declared the accounts of the petitioners to be the non-performing assets on September 20, 2023. He further submits that the Bank has complied with all provisions of Master Direction, issued on

July, 21, 2016 and the framework notified thereunder.

6. I have heard the learned Advocates appearing for both the parties.
7. To deal with the objections raised by the Bank, it is clear that the notice of September 20, 2023, is not the notice declaring the petitioners' accounts as the non-performing assets, but mere intimation that the accounts may become non-performing assets if a sum, slightly in excess of Rs.54 lakhs, is not paid immediately. Hence, it is clear that the declaration came on October 10, 2023.
8. The Bank's contention that the writ petition is not acceptable in its entirety as the availability of an alternative and efficacious remedy is a self-imposed restriction by the court exercising jurisdiction under Article 226 of the Constitution of India. Hence, it cannot be said that a writ petition is not maintainable.
9. The contention raised by Mr. Sengupta, learned Advocate for the petitioners, that the framework, which was notified on the basis of the Master Direction of July 21, 2016, is applicable to all scheduled banks, including the respondent Bank herein.

10.This issue has been decided by the Hon'ble Supreme Court of India reported in **(2024) 10 SCC 292 (Pro Knits vs. Board of Directors of Canara Bank & Ors.)**.

11.The Bank has also not argued that it is not bound by the framework formulated by the Reserve Bank of India for lending to Micro, Small and Medium Enterprises (MSME) Sector.

12.In the event the Bank has not complied with the provisions of the framework notified under the Master Direction, the action taken by the Bank against the petitioners will have to ultimately fail.

13.Since there is a Tribunal available for the petitioners to ventilate their grievances and seek redressal thereto, the petitioners are granted liberty to approach the Debt Recovery Tribunal, who will decide as to whether the respondent Bank has followed the direction and the framework, issued by the Reserve Bank of India and pass necessary orders consequential thereto.

14. With the aforestated directions, the writ petition is disposed of.

15. There shall, however, be no order as to costs.

16. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.

17.Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)