

D/L 03
28.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4457 of 2025

M/s Untag Fashions Private Limited & Ors.

Vs.

UCO Bank & Ors.

Mr. Jishnu Chowdhury, Sr. Adv.

Mr. Rachit Lakhmani

Mr. Emon Bhattacharya

Ms. Pooja Sah

Mr. Piyush Kumar

...for the Petitioners.

Ms. Aparajita Rao

Ms. Nabanita Dutta

...for the Bank.

1. The petitioners claim to be an MSME suffering from acute financial distress. The bank has taken steps under the provisions of the SARFAESI Act. The securitization application filed by the borrower MSME before the Debts Recovery Tribunal in the year 2020 has been dismissed vide judgment dated 21st April, 2022.
2. There is nothing on record to suggest that, the judgment passed by the Debts Recovery Tribunal has been set aside or even challenged before the appellate forum.
3. At this stage, the petitioners have come up with a prayer seeking leave to approach the Committee for Stressed Micro, Small and Medium Enterprises in terms of the notification published by the Government of India on 29th May, 2015.
4. It has been submitted that, the petitioners does not intend to stand in the way of the bank to proceed under the SARFAESI Act, but seeks for a prayer upon the Committee to consider the petitioners' prayer for revival and rehabilitation of the MSME.

5. Learned counsel representing the bank submits that, the loan accounts of the petitioners were declared as NPA way back in the year 2018. The proceeding before the Tribunal filed by the borrower has also failed. It has been submitted that till date the petitioners have not approached the Committee.
6. Admittedly, it appears from the facts and circumstances of the case that, the petitioners have failed to obtain any order from the Debts Recovery Tribunal. The bank is already proceeding under the SARFAESI Act. The judgment of the Tribunal has attained finality.
7. Without interfering with the proceeding under the SARFAESI Act, it will be open for the petitioners to avail the opportunity of approaching the Committee for Stressed Micro, Small and Medium Enterprises, for relief.
8. It will be open for the Committee to consider the application, if made, for taking steps under the Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises as published in the notification of the Government of India dated 29th May, 2015.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)