

16-04-2025
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.6780 of 2025
Union Bank of India & Anr.

-vs-

The State of West Bengal & Ors.

Ms. Sreemoyee Mitra ...for the petitioners

Ms. Sabnam De Bardhan, jr. govt. adv.
Ms. Kakali Naskar ...for the State

1. Case of the petitioners is that their application filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in the year 2021 is pending disposal before the District Magistrate, Hooghly till date.
2. Learned counsel representing the State has obtained instructions from the office of the District Magistrate & Collector in March 2025 which mentions that on receipt of the Section 14 application on October 8, 2021, hearing was held on April 18, 2023, May 23, 2023 and June 23, 2023 upon service of notice on all concerned. During hearing the bank was requested to submit the relevant documents such as sanction letter regarding loan etc.; but due to non-submission of the required documents by the petitioners, no order could be passed on the said application.
3. Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

specifies the time period within which an application under Section 14 of the Act is to be disposed of. The time-period mentioned is thirty days extendable for a further period of thirty days.

4. In the instant case, the District Magistrate admits that the subject Section 14 application was received on October 8, 2021 and mentions that hearing was held on April 18, 2023 and thereafter.
5. The Court is of the view that the District Magistrate ought to have disposed of the said application either way within thirty days of receiving the same or latest by sixty days from the date of receiving it. The District Magistrate ought not to have kept the application pending for more than two years for hearing and keep the same pending on the ground of non-submission of relevant documents by the applicant.
6. Section 14 application is supported by an affidavit and connecting documents. If the District Magistrate did not receive the documents along with the affidavit in support thereof, the application ought to have been disposed of at the threshold. There was no occasion to proceed with the hearing without the supporting documents.
7. Accordingly, the instant writ petition is disposed of by directing the District Magistrate, Hooghly being the second respondent herein, to immediately communicate the petitioners the documents required for disposal of the Section 14 application. The bank will be obliged to forward all documents.
8. The District Magistrate shall thereafter proceed to dispose of the said application positively within a

period of thirty days from the date of submission of the documents. The reasoned order shall be communicated to the petitioner immediately thereafter.

9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]