

ML 131
11.06.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7575 of 2025

Mitali Chatterjee & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saptarshi Banerjee..

...For the Petitioners.

Mr. Biswabrata Basu Mallick. AGP

Ms. Parna Roy Chowdhury.

... For the State.

Ms. Srijani Ghosh.

Ms. Indrani Majumdar.

... for the respondent nos. 5 & 6.

1. The petitioners are aggrieved by the steps taken by the secured creditor under provisions of SARFAESI Act.
2. It has been submitted that immediately after steps were taken under Section 13(2) of the Act, the secured creditor proceeded under Section 14 of the Act without complying with the provision of Section 13(4).
3. The secured creditor also failed to consider the application made by the petitioners under Section 13(3A) of the Act.
4. Prayer has been made to set aside the steps taken by the secured creditor being *de hors* the provisions of law.
5. Learned advocate representing the secured creditor submits, upon instruction that, due reply was given to the request made by the petitioners under Section 13(3A) of the Act vide communicating letter dated 31st July, 2023. Copy of the said letter dated 31st July, 2023 has

been handed over in Court today. The same is taken on record.

6. Supplementary affidavit filed by the petitioners in Court today is kept with the records.
7. It appears therefrom that the learned Chief Judicial Magistrate, Paschim Burdwan in Complaint Case No. 1474 of 2023 passed order on 1st October, 2024 by taking note of the fact that the secured creditor took steps under Sections 13(2) and 13(4) of the Act.
8. Under the aforesaid facts and circumstances, the submission of the petitioners that the secured creditor proceeded contrary to the provision of the Act, cannot be accepted.
9. No relief can be granted to the petitioners in the instant case. The writ petition fails and is hereby dismissed.
10. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Amrita Sinha, J.)