

22-09-2025
Item No.103 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.11076 of 2025
M/s Barasat Anweshan & Anr.
-vs-
The Union of India & Ors.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee ...for the petitioners

Ms. Aparajita Rao
Ms. Nabanita Dutta ...for private respondents

1. The first petitioner is a non-governmental organization running a school with 250 students. A loan was obtained by the petitioners; and on account of non-payment of the loan amount, the financial institution took steps under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. Challenging the steps taken by the secured creditor to recover the loan amount, the petitioners have already approach the Debts Recovery Tribunal, Delhi by filing a Securitization Application being Case No. SA/214/2025. The next date fixed for hearing of the said application is in October 2025.
3. In the instant writ petition the petitioners pray for a direction upon the secured creditor not to disturb the functioning of the school and to secure the fate of the students studying there.
4. It appears from the cause title of the writ petition

that the assignor of the loan amount has not been impleaded as party. The assignee of the loan who has been impleaded as party does not fall under the definition 'State'. The writ petition against such private entity will not be maintainable.

5. The petitioners have already approached the statutory forum for relief. No relief can be granted to the petitioners in the instant writ petition.
6. The writ petition fails and is hereby dismissed.
7. The respondents shall take steps in the matter strictly in accordance with any direction passed by the competent forum.
8. Affidavit of service filed in Court be taken on record.
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]

