

D/L 26
21.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12969 of 2024

Asim Kumar De & Ors.
Vs.
Reserve Bank of India & Ors.

Mr. Ranjan Kali
Ms. Mitul Chakraborty
Ms. Payel Nath

...for the Petitioners.

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee

...for the Bank.

1. Affidavit of service filed in Court today is taken on record.
2. Instruction handed over by the learned advocate for the bank forwarded by the Chief Manager, S.A.R.B. Kolkata dated 21st March, 2025 is taken on record.
3. The petitioners claim to be the guarantors of a loan which was allowed in favour of the private respondent by the State Bank of India. Due to non-payment of the loan amount, the bank has initiated proceeding under the SARFAESI Act.
4. Learned advocate representing the petitioners submits that, the salary account of the petitioner no. 1 has been kept on hold by the bank.
5. According to the petitioners, the bank ought to take steps to recover the loan amount from the borrower also, but bank is allegedly not taking any steps against the borrower but only running after the petitioners who are the guarantors.

6. Learned advocate representing the State Bank of India submits upon instruction that, the salary account of the petitioner no. 1 has not been kept on hold by the bank. The other account of the petitioner no. 1 has been kept on hold because of non furnishing the KYC compliance.
7. Upon hearing the parties, it appears that, there is a dispute between the borrower and the guarantors. The secured creditor has initiated steps under the SARFAESI Act for recovery of the loan amount. They are entitled to do so in accordance with law.
8. The submission of the learned advocate representing the petitioners with regard to keeping on hold the salary account has been denied.
9. The Court is not inclined to exercise jurisdiction in the matter.
10. It will be open for the petitioners to approach the Debts Recovery Tribunal for necessary relief, if so advised.
11. The writ petition stands disposed of.
12. 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.)