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04.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 13513 of 2025

M/s Sunrix Pharma
Vs.
State of West Bengal & Ors.

Mr. Bikash Chandra Halder.
Mr. Tapan Kumar Saha.
... for the Petitioner.

Mr. Biswabrata Basu Mallick. A.G.P.
Mr. K. M. Hossain.
... for the State.

Mr. Debjit Mukherjee.
Ms. Susmita Chatterjee.
... for the respondent no. 2.

Ms. Sreemoyee Mitra.
... for the P.N.B.

1. The petitioner obtained loan from the Bank and being unable to repay the same, the Bank has taken steps to recover the loan amount by invoking the provisions of the SARFAESI Act.
2. The petitioner submits that it is willing to repay the loan amount.
3. Learned advocate representing the Bank submits, upon instruction that, the secured asset has been put up on auction and sold off to the successful bidder. Sale certificate has also been issued. Physical possession,

however, could not be taken as the petitioner is yet to remove its belongings.

4. The Court is of the opinion that according to the SARFAESI Act any person aggrieved by any steps taken by the bank to recover the secured amount ought to approach the Debts Recovery Tribunal for relief.
5. In view of the above, the writ Court is not inclined to exercise jurisdiction in the matter.
6. It will be open for the petitioner to approach the competent forum for remedy in accordance with law, if so advised.
7. The writ petition fails and is hereby dismissed.
8. The respondent no. 2 appears to have been incorrectly impleaded in the writ petition. The respondent no. 2 is a Judicial Officer, who has passed order in terms of the Act. The respondent no. 2 shall be treated as deleted from the array of respondents.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)