

09.07.2025
Item no.160 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 14129 of 2025

DCB Bank Limited
Vs.
Additional Chief Judicial Magistrate, Serampore,
Hooghly & Ors.

Ms. Ankita Baid
Ms. Rupal Singh
Mr. Ashok Kumar Singh ... for the petitioner

1. None appears on behalf of the State.
2. Affidavit of service filed in Court today is taken on record.
3. The application filed by the petitioner before the Chief Judicial Magistrate, Hooghly under Section 14 of the SARFAESI Act in March, 2024 and the same is currently pending disposal before the Additional Chief Judicial Magistrate, Serampore. The next date fixed for hearing is on 16th July, 2025.
4. Section 14(1) of the SARFAESI Act (2nd proviso) 2002 postulates that on receipt of the affidavit from the authorised officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application.
5. The next proviso mentions that if no order is passed by the Chief Metropolitan Magistrate or the District Magistrate within the aforesaid period of thirty days for reasons beyond his

control, he may, after recording reasons in writing for the same, pass the order within such further period but not exceeding in aggregate sixty days.

6. The date fixed by the Magistrate is beyond the statutory period of sixty days.
7. The learned Magistrate ought to have appreciated that the time limit fixed in the Act is for the purpose of timely disposal of the Section 14 application. The primary object of the Act is for recovery of the loan amount where time is the essence. Any delay in taking steps to proceed with the application under Section 14 will result in further delay of recovery of the loan amount.
8. The instant writ petition is, accordingly, disposed of by observing that the concerned Magistrate shall take steps in the matter strictly in accordance with law and not otherwise.
9. Time and again it has been brought to the notice of the Court that the authorities mentioned under Section 14 of the Act fail to take steps within the time limit stipulated therein. The act of the said authorities in not taking timely steps is contrary to the provision of law.
10. Inaction on the part of the authorities often gives rise to series of legal complications and litigations which could have been avoided had the authorities acted in a time bound manner. It goes without saying that the Section 14 authorities are required to act strictly within the time frame stipulated in the Act.
11. Certified copy of this order, if applied for, shall be made available to the

(Amrita Sinha, J.)