

ML 201
06.08.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14411 of 2025

**M/s. Vishal & Vishal
-versus
Punjab National Bank & Ors.**

**Mr. Kaushik Dey,
Mr. Subhadip Biswas.
...For the Petitioner.**

**Ms. Parna Roy Choudhury.
...For the Bank.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner is aggrieved by the steps taken by the Bank to recover the loan amount by invoking the provisions of the SARFAESI Act, 2002.

3. The petitioner preferred a securitization application before the Debts Recovery Tribunal and vide judgment dated 28th March, 2025 the said application stood dismissed. The petitioner is aggrieved by the dismissal.

4. The order of the Debts Recovery Tribunal is appealable before the Debts Recovery Appellate Tribunal. The petitioner ought to take necessary steps before the appellate forum.

5. The petitioner also impugns a communication dated 5th May, 2025 issued by the Bank directing the petitioner to remove the articles in the scheduled property.

6. It will be open for the petitioner to remove the articles which are inside the mortgage property which has been sold off in auction and sale certificate issued way back in the year 2022.

7. The time period within which the articles were to be removed, has expired long back. For ends of justice, time may be allowed to the petitioner to remove the articles by 28th August, 2025.

8. In the event the petitioner fails to remove the same within the aforesaid time period, it will be open for the Bank to deal with the articles in accordance with law.

9. If the petitioner prefers an appeal, the appellate forum shall decide the issue on merits without being influenced by any direction, observation passed hereinabove.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)