

14-08-2025  
Item No.3  
Subrata  
Bhattacharyya  
AR(C)

**IN THE HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**  
Appellate Side

**WPA No.15012 of 2025**

**Pinky Ali & Anr.**

**-vs-**

**The Deputy Ombudsman appointed by the Reserve Bank  
of India & Ors.**

Mr. Ajit Kumar Mondal                      ...for the petitioners

Ms. Indrani Majumder                      ...for Axis Bank

1.     The petitioners obtained certain loan from Axis Bank and defaulted in paying the same. Axis Bank agreed to the one-time settlement (OTS) proposal of the petitioners. The petitioners defaulted in acting in accordance with the OTS proposal. Further request was made for OTS proposal when the bank disagreed. The petitioners submit that a direction may be passed upon the bank to extend the OTS proposal once again.
2.     It has been brought to the notice of the Court by the learned counsel representing Axis Bank that Section 13(2) notice under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been issued to the petitioners. The bank is yet to take possession of the secured asset.
3.     The Court is not minded to interfere in the instant writ petition on two grounds: firstly, the same has been filed against a bank which is a private entity thereby not tenable under Article 226 of the

Constitution; and secondly, the bank is yet to take any coercive step against the petitioners.

4. Once the bank takes steps under Section 13(4) of the 2002 Act, it will be open for the petitioners to avail appropriate remedy in accordance with law, if so advised.
5. The writ petition fails and is hereby dismissed.
6. None represents Reserve Bank of India. Notice of the learned counsel for the petitioners dated August 10, 2025 served upon the Reserve Bank of India furnished in Court be retained with the records.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

