

08
07.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18091 of 2025

Shaiful Mollick
Vs.
Indian Bank & Ors.

Mr. Bikash Ranjan Bhattacharya. Sr. Adv.
Mr. Debabrata Roy.
Mr. Manojit Pal.

...for the Petitioner.

Mr. Shiv Mangal Singh.

... for the respondent Bank.

1. Affidavit-of-service filed on behalf of the petitioner be retained with the records.
2. The petitioner is aggrieved by the steps taken by the Bank to recover the loan amount under the provisions of the SARFAESI Act by issuing notice of sale dated 21st June, 2025.
3. It has been brought to the notice of the Court that the securitization application at the instance of the petitioner is pending consideration before the Debts Recovery Tribunal. The petitioner has failed to obtain any interim order from the said forum.
4. The date for sale is fixed today.
5. As the Bank is proceeding in accordance with the SARFAESI Act, accordingly, the Court does not intend to restrain the Bank immediately.

6. Leave is granted to the petitioner to file interlocutory application before the Tribunal in the pending securitization application.
7. In the event such application is filed before the Tribunal by 14th August, 2025, the Tribunal is requested to take endeavour to consider the matter within a fortnight thereafter.
8. Any steps taken by the Bank in response to the sale notice shall abide by the order to be passed by the Tribunal in the securitization application.
9. The writ petition stands disposed of.
10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)