

08
17.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18271 of 2025

Yes Bank Limited & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Srijani Ghosh.
Ms. Indrani Majumdar.
...for the petitioner.

Mr. Bikash Goswami.
... for the State.

1. The application filed by the petitioner before the Chief Judicial Magistrate, Barasat under Section 14 of the SARFAESI Act on December 05, 2023 is pending disposal till date.
2. 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.
3. 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.

4. Even though the stipulated sixty days' time period expired long back, the said application is yet to be disposed of.
5. 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.
6. 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.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)