

13-08-2025
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.18345 of 2025
Sumon Bhadro
-vs-
Punjab National Bank & Ors.

Ms. Kakali Dutta ...for the petitioner

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Ms. Payel Ghosh ...for the bank

1. This writ petition arises out of a SARFAESI proceeding. The petitioner as a borrower failed to liquidate the loan amount for which Punjab National Bank took steps under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. From the documents annexed to the writ petition, it appears that sale certificate has also been issued by the bank in favour of the successful auction purchaser.
3. An order obtained by the bank under section 14 of the Act from the North 24 Parganas District Magistrate dated September 18, 2024 (Annexure P4, p.36) was valid for a period of six months from the date of receipt of the order.
4. Learned counsel for the petitioner submits that after expiry of the validity period of the order under section 14 of the Act, the bank took steps for taking possession of the secured asset of the petitioner.
5. Being aggrieved the petitioner approached the

Debts Recovery Tribunal by filing SA No.470/2024. Vide order dated July 16, 2025, the tribunal directed the bank to take appropriate steps for extension of the validity of the District Magistrate's order. The securitization application has been made returnable on September 11, 2025. The petitioner is aggrieved by the order passed by the tribunal.

6. The tribunal's order is appealable before the Debts Recovery Appellate Tribunal. It will be open for the petitioner to approach the appellate forum in accordance with law, if so advised.
7. The bank may take steps to proceed in the matter only after the validity of the section 14 order is extended by the District Magistrate.
8. The writ petition stands disposed of.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

