

10.11.2025
Sl. No. 93
Ct No. 24
SG

WPA 21860 of 2025
Punjab National Bank
Vs
The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Abhishek Banerjee,
Ms. P.R. Choudhury,
Ms. T. Chanda.

...for the petitioner

Mr. Amadipta Sengupta,
Mr. S. Samanta.

...for respondent no. 1

Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray,
Mr. S. Das,
Ms. A. Basu,
Mr. S.K. Singh,
Mr. A. Laskar,
Mr. K. Chakraborty.

...for respondent no. 3

1. The petitioner-Bank seeks to challenge an order passed by the Additional Chief Judicial Magistrate, Arambagh, Hooghly on 28.08.2025, by which he has sought to review his own order passed on 03.05.2025, in the form of rectification. In the process of passing an administrative order, the respondent no. 2 does not have the authority to review his own order and rectify it in the manner that is being sought. It appears from the record that the order of review has been passed without jurisdiction, inasmuch as the property which had been left out in the first order under the first application under Section 14 of the SARFAESI Act, 2002 (hereinafter

referred to as 'the Act') could not have been incorporated by the second order, passed in the second application under Section 14 of the Act.

2. Mr. Kallol Mondal, learned Senior Counsel appearing for the private respondent no. 3 states that an appeal from a failed Section 17 application is still pending before the Debts Recovery Appellate Tribunal.

3. This order will not have any bearing on the pending appeal before the Debts Recovery Appellate Tribunal.

4. Inasmuch as the order of 28.08.2025 is without jurisdiction and could not have been made, in review of an earlier order, the same is set aside.

5. The writ petition is, therefore, allowed to such extent as claimed in Prayer (a).

6. Needless to mention, this order will not bar the petitioner's right to initiate action under Section 14 of SARFAESI Act, 2002 before the appropriate authority, if so advised.

7. With the above observation and direction, the present writ petition is disposed of.

8. There shall be no order as to costs.

9. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)