

27.11.2025.
63
Ct.No.24.
as

WPA 22262 of 2025
with
CAM 1 of 2025

Assets Care & Reconstruction
Enterprise Ltd.
Vs.
State of West Bengal & Ors.

Mr. Avishek Guha,
Mr. Pratip Mukherjee,
Ms. Shilpa Das.
...for the Petitioner.

Mr. Amal Sen, Ld. A. A. G.,
Ms. Munmun Ganguly.
...for the State.

Mr. Rajdeep Mantha,
Mr. Rahul Sharma.
...for the Respondent No.6.

Mr. Aniruddha Chatterjee, Ld. Sr. Adv.,
Mr. Shashwat Nayak,
Mr. Biswajit Roy.
...for the Applicant in CAN 1/2025.

CAN 1 of 2025.

1. This is an application filed by an intending respondent, that he is a necessary and proper party to the instant proceeding, being a tenant of the mortgaged property.
2. Mr. Chatterjee, learned Senior Advocate appears for the applicant and makes his submissions.
3. In view of the fact that the applicant herein has filed a suit, in which an interim order has been obtained by him and also challenged the order passed by the District Magistrate, North 24-Paraganas under Section 14 of the

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter the said Act), the presence of the applicant is imperative to adjudicate the disputes, as urged in the writ petition.

4. In view thereof, the applicant is added as a party to the instant proceeding, as a respondent.

5. Thus, the application being CAN 1 of 2025 is allowed and accordingly disposed of.

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6. The petitioner seeks enforcement of an order passed by the respondent No.2 on July 22, 2022 under Section 14 of the said Act.

7. The only explanation given by the concerned respondent is that the duly authorized officer had since been transferred and the post was lying vacant for a long period of time.

8. Mr. Mantha appears for the borrower, the respondent No.6 herein and makes his submissions.

9. Mr. Chatterjee, learned Senior Advocate appears for the added respondent, who is the tenant of the disputed property and discloses two facts.

10. First, there is a pending suit between the tenant and the asset reconstruction company, who has been impleaded as a proforma defendant, in which there is a subsisting interim order of status quo passed on March 17, 2025.

11. This order has not been challenged and is still subsisting.

12. Second, Mr. Chatterjee submits that there is an application filed by his client before the Debts Recovery Tribunal challenging the order passed under Section 14 of the said Act by the respondent no.2, herein on July 22, 2022.

13. Since the order under Section 14 of the said Act dated July 22, 2022 is under challenge, the respondent No. 2 will take action to execute the same, only upon intimation and production of the final orders in the interim application by any of the parties hereto, passed either by the Debts Recovery Tribunal or by the Debts Recovery Appellate Tribunal.

14. With these aforestated directions, the writ petition is disposed of.

15. There shall, however, be no order as to costs.

16. Since affidavits have not been called for, the allegations contained in the petition are deemed to have been denied.

17. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rectobroto Kumar Mitra, J.)