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2025
TUESDAY

Court : MB-24
Item : AD-05
Status : DFA
ID : 266312
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24012 OF 2025

RITA GHOSH
VS.
THE UNION OF INDIA & ORS.

MR. SAMIM AHMED, ADVOCATE
MR. ARKA MAITI, ADVOCATE
MS. GULSANWARA PERVIN, ADVOCATE
MS. SALONI BHATTACHARJEE, ADVOCATE

.....for the Petitioner

MR. PIJUSH KANTI RAY, ADVOCATE
MR. SOURAJIT MUKHERJEE, ADVOCATE

.....for the Respondent-Bank

MR. SUBRATA SANTRA, ADVOCATE

.....for the Union of India

1. Affidavit of service, as filed, be kept with the record.
2. The Bank has filed its affidavit of compliance with the order dated 29.10.2025, which is also taken on record.
3. The dispute between the parties hereto, is about non-payment of a loan and consequent sale of the mortgaged property of the petitioner by the Bank. The Bank states that the sale has already taken place for a credit value of Rs.25 lakhs. However, it is fairly admitted that though the sale certificate has been issued, the Bank has not yet taken possession of the concerned premises.
4. The petitioner is still in possession of the said premises. It is also the contention of both the parties that an application under Section 17 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is still pending before the Debts Recovery Tribunal-III, Kolkata. The petitioner seeks relief to approach the Tribunal for making an appropriate application, as the petitioner is ready and willing to pay the entire amount with interest, given the opportunity.
5. The petitioner is at liberty to file such application before the Debts Recovery Tribunal-III, Kolkata. The Tribunal is directed to take up the application, positively within a period of ten days from the date of filing of such application subject to such application being cured of

all defects and in propriety of the other procedural formalities being duly performed by the petitioner.

6. With the afore-stated directions, **WPA 24012 of 2025** is **disposed of**.
7. There shall, however, be no order as to costs.
8. Urgent Photostat Certified Copy of this order be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)