

03
29.10.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 24215 of 2025

**M/s. Greater Kolkata Land & Housing Projects Pvt.
Ltd.**

-versus

The State of West Bengal & Ors.

**Mr. Bikash Goswami,
Mr. Osman Gani Mallick,
Mr. Jyoti Mahata.
...For the Petitioner.**

**Mr. Sankar Halder.
...For the State.**

**Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh.
...For the Respondent Nos. 2 & 3.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner challenges the act of the respondent nos. 2 and 3 in taking steps to sell the secured asset in accordance with the provisions of the SARFAESI Act, 2002.

3. The petitioner has defaulted in payment of the loan amount for which the financial institution proceeded against the petitioner under the aforesaid Act. Today is the date fixed for auction of the secured asset.

4. Prayer has been made to stay the auction process till the petitioner approaches the Debts Recovery Tribunal for substantive relief.

5. Learned advocate appearing on behalf of the respondent nos. 2 and 3 raises a preliminary objection with regard to the maintainability of the writ petition.

6. It has been submitted that the writ court is not the proper forum to adjudicate the issue.

7. Upon hearing the parties and on perusal of the documents annexed to the writ petition, it appears that the petitioner has challenged the action of the secured creditor to recover the loan amount in accordance with the provision of the Act.

8. As per Section 17 of the Act, any person aggrieved by the measures taken by the secured creditor to recover the loan amount is entitled to challenge such action before the Debts Recovery Tribunal.

9. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.

10. The writ petition fails and is hereby dismissed.

11. It is made clear that dismissal of the writ petition will not stand in the way of the petitioner to approach the competent forum for relief in accordance with law, if so advised.

12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)