

93. 23.12.2025
Court No.8
(Tanmoy)

MAT/2102/2025

IA NO: CAN/1/2025

M/S BABA KAILASHPATI AGRO PROCESSING PVT. LTD.

VS

PUNJAB NATIONAL BANK AND ORS.

Mr. Probal Kr. Mukherjee, Sr. Adv.

Mr. Biswaroop Bhattacharya

Mr. Ayan Kumar Mukherjee

Mr. Samrat Mukherjee

Mr. Debabrata Basu Roy

...for the appellant.

Mr. Saptangshu Basu, Sr. Adv.

Mr. Abhishek Banerjee

Ms. Parna Roy Choudhury

...for the respondent Bank.

Dictated by Arijit Banerjee, J.

1. By consent of the parties, the appeal and the connected application are taken up for hearing together.

2. This appeal is directed against a judgment and order dated November 10, 2025, passed on a writ petition being WPA/21860/2025.

3. Very briefly stated, the relevant facts are that the present appellant borrowed money from the Bank. Three properties were mortgaged.

4. It appears that the appellant defaulted in repayment of loan. Accordingly, the Bank took steps under THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY

INTEREST (SARFAESI) ACT, 2002, in respect of two of the three mortgaged properties.

5. On an application made by the Bank under Section 14 of the SARFAESI Act, an order dated May 3, 2025, was passed by the Additional Chief Judicial Magistrate, Arambagh, Hooghly. That order, however, permitted the Bank to take possession of only one of the mortgaged properties.

6. The Bank applied before the concerned Additional Chief Judicial Magistrate for correction of the order dated May 3, 2025 by incorporating the other property therein. Such application was rejected and the earlier order dated May 3, 2025 was sought to be reviewed. This was by an order dated August 28, 2025. This order was challenged by the Bank before a learned Judge of this Court in the present round of proceeding. The learned Judge held that the concerned Additional Chief Judicial Magistrate did not have any power to review his own order. Accordingly, His Lordship set aside the order dated August 28, 2025 as the same was without jurisdiction. The learned Judge, however, granted liberty to the Bank to initiate fresh action under Section 14 of the SARFAESI Act, 2002.

7. Being aggrieved, the appellant herein which was one of the respondents in the writ petition, has come up by way of this appeal.

8. We are told that pursuant to the liberty granted by the learned Single Judge, the Bank filed a fresh application under Section 14 of the SARFAESI Act, 2002 and the same has also been disposed of by the Additional Chief Judicial Magistrate, Arambagh, Hooghly, by an order dated December 9, 2025. By the said order, the Bank has been permitted to take possession of the other property in respect of which the Bank initiated action.

9. In view of the aforesaid, in our opinion, this appeal has become infructuous. If the appellant is aggrieved by the order dated December 9, 2025, passed by the Additional Chief Judicial Magistrate, Arambagh, Hooghly, it will be at liberty to challenge the same before the appropriate forum, in accordance with law. All points of law are left open including whether or not more than one application under Section 14 of the SARFAESI Act, 2002 is maintainable in respect of the assets of the borrower which have been offered as security.

10. Since we have not called for affidavits, the allegations made in the stay petition shall be deemed not to have been admitted by the respondents.

11. MAT/2102/2025 along with IA No: CAN/1/2025 stand disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)