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WPA 27954 of 2025

Aditya Birla Capital Limited & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Anirban Ray, Sr. Adv.
Mr. Amit Kumar Nag
Ms. Ranjabati Ray
Ms. Tapashya Bhattacharya
.... for the petitioners

Mr. Samrat Sen, Id. AAAG
Mr. Arindam Mandal
..... for the State

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioners are aggrieved by the acts of commission and/or omission of the District Magistrate, Purba Burdwan.
3. Primarily, that the concerned District Magistrate has not acted in terms of the statutory duties cast on him under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act").
4. Mr. Ray, learned senior Advocate appearing for the petitioners, submits that the District

Magistrate has issued a notice on the borrowers, which is beyond the statutory mandate as well as beyond the jurisdiction of the District Magistrate, while acting as an authority under Section 14 of the SARFAESI Act.

5. District Magistrate, Purba Burdwan, according to Mr. Ray, has not disposed of the application under Section 14 of the SARFAESI Act and has proceeded to adjudicate the disputes which are completely beyond his jurisdiction.
6. Mr. Sen, learned Additional Assistant Advocate General, appearing for the State and thereby representing the District Magistrate, Purba Burdwan, submits that the application, which is pending since December 23, 2024, will be disposed of within a reasonable time.
7. It is clear from the submissions of the parties that the concerned District Magistrate has not performed his duties as mandated under the SARFAESI Act as he is under a statutory obligation to dispose of such application within a period of 30 days and upon extension, a maximum 60 days, which time has long lapsed.
8. District Magistrate, Purba Burdwan, is directed to dispose of the application under Section 14 of the SARFAESI Act by January 5, 2026, in

accordance with law as mandated under Section 14 of the SARFAESI Act, without in any manner extending his own jurisdiction.

9. With the aforestated direction, the writ petition is disposed of.

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

11. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.

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

(Reetobroto Kumar Mitra, J.)