

12.12.2025
SL No.132
Court No.6
(gc)

CO 4318 of 2025

**Akhtar Ali Laskar
Vs.
ICICI Bank Ltd. & Anr.**

Mr. Mahim Sasmal
...for the Petitioner.

1. The order impugned is an appealable order. The petitioner had challenged an order passed by the District Magistrate under Section 14 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal – III, Kolkata in I.A. 4663/2025 arising out of S.A. 505 of 2025 and prayed for stay of the said order.
2. By an order dated November 25, 2025, the learned Tribunal rejected the prayer for stay and directed affidavits to be filed. The learned Tribunal held that, the notice under Section 13(2) of the SARFAESI Act was duly served. The notice was returned to the defendant bank by the postal department with the remark “Item Refused”. Refusal of notice would tantamount to service. Thereafter, the notice under Section 13(2) was published in two newspapers. The petitioner’s prayer for upgradation of the loan account was considered by the tribunal and it was held that

upgradation of the NPA could only be done if the arrears (principal and interest) were paid.

3. Under such circumstances, I do not find any reason to interfere with the order which has been passed with reasons, upon consideration of the factual aspects. The superintending power of this Court is only limited to examination of any perversity in an order or procedural irregularity. Court can correct the tribunals when the tribunals act without jurisdiction or in excess of jurisdiction. None of the situations exist.
4. Accordingly, the revisional application is dismissed.
5. There shall be no order as to costs.
6. The petitioner is at liberty to pursue his remedy by way of an appeal before the appropriate forum.
7. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)