

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And**

The Hon'ble Justice Prasenjit Biswas

**F.M.A. 1457 of 2024
With
CAN 1 of 2024**

**Barun Sarkar
vs.
Reserve Bank of India & Ors.**

For the Appellant : Ms. Pampa Dey Dhabal

For the Respondent No. 1 : Mr. Aman Agarwal
Mr. Debabrata Das
Mr. A. Sarkar
Mr. Pratik Acharjee

For the respondent Bank : Mr. Samrat Chowdhury
Ms. Anjana Sengupta
Mr. B.L. Mollah

Heard & Judgment on : **August 6, 2025**

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated October 3, 2024 passed in W.P.A. 18213 of 2024.
2. Appeal is at the behest of the writ petitioner.

3. Learned advocate appearing for the petitioner submits that the appellant enjoyed two credit facilities from the bank. Both credit facilities were settled at Rs.1,23,00,000 crores. Out of the settled amount, the appellant paid substantial amount leaving a sum of Rs.6,73,131 lakh due and payable to the bank by the appellant. Appellant is ready to pay the balance amount of the compromise to the bank. Bank should be directed to accept such compromise.
4. Learned advocate appearing on behalf of the bank submits that, there are recovery proceedings pending. In any event, the contention of the appellant that, both the two accounts stood settled is incorrect. According to him, only one account was settled when the other account remained outstanding.
5. It appears from the records that the appellant before us filed a writ petition seeking certain directions on the bank. Bank initiated recovery proceedings under the provision of Recovery of Debts and Bankruptcy Act, 1993. Recovery proceedings under the Act of 1993 are pending.
6. Supreme Court in in **((2010) 8 SCC 110 (United Bank of India vs. Satyawati Tondon & Ors.)** discouraged entertaining writ petitions by borrowers against the bank where the borrower is with adequate alternative statutory remedy.
7. In the facts and circumstances of the present case, the appellant before us is entitled to raise the issue of settlement in the recovery proceedings which are pending before the Debts Recovery Tribunal.

8. Since the appellant possesses a statutory alternative remedy in respect of the contentions raised by the appellant, we are not minded to interfere under Article 226 of the Constitution of India.
9. All points raised by the respondent authorities with regard to the liability of the appellant, compromise and the part payment in respect thereof are kept open to be decided by the appropriate forum.
10. **M.A.T. 1457 of 2024** and the connected application being **CAN 1 of 2024** are disposed of without any order as to costs.

(Debangsu Basak, J.)

11. I agree

S.D.

(Prasenjit Biswas, J.)