

23/12
2025

06/24
266312
NANDY

(DISPOSED OF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28906 of 2025

**STATE BANK OF INDIA & ANR.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Anirban Pramanick, Advocate
Ms. Bhagysree Dey, Advocate

.....for the Petitioners

Mr. Swapan Kumar Dutta, Ld. GP
Mr. Rajat Dutta, Advocate
Mr. Arindam Mitra, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners' grievance that the order passed by the respondent no. 2 on 18.11.2016, has not been executed by the respondent authorities, may not be well-founded in view of the fact that the petitioners have approached this Court after the lapse of nine years, seeking execution of the order.
3. The petitioners have, in the writ-petition, brought in facts, which are imminently after the order of 08.11.2016 was passed by the respondent no. 2.
4. It is quite clear that several facts have emerged after the order of 08.11.2016, which has not been executed and the petitioners had not taken any step to execute the same.
5. Mr. Pramanick, learned Advocate, appearing for the petitioners, also submits that the borrower has expired and hence it would not be commensurate to execute the order against a dead person.
6. The order of 08.11.2016 has lost its force and it would not be proper to direct the respondent authorities to execute the order, which was passed in 2016.
7. The petitioners are at liberty to file a fresh application

under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act), with the respondent no. 2 seeking the relief as stipulated under Section 14 of the said Act.

8. Mr. Pramanick submits that since he cannot proceed against the deceased borrower, adequate notice will be given to his heirs and legal representatives in the proceedings under the said Act, in accordance with law.
9. With the afore-stated directions, **WPA 28906 of 2025 is disposed of.** No order as to costs.
10. Since no affidavits have been called for, the allegations contained in the writ-petition, are deemed to be denied.

(Reetobroto Kumar Mitra, J.)