

09-01-2025
Item No.14
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.29743 of 2024
Sujit Kumar Ghosh

-vs-
Government of West Bengal & Others

Mr. Anup Mukherjee
Mr. Prosenjit Mukherjee
Mr. Avijit Sarkar
Mr. Raja Biswas
Mr. Saptarshi Chakraborty
Ms. Tiya Ghosh
Ms. Bobita Pramanik ...for the petitioner

Ms. Jhuma Chakraborty
Ms. Munmun Tewary ...for the State

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee ...for SBI

1. Affidavit of service filed in court be taken on record.
2. The petitioner is aggrieved by the steps taken by State Bank of India under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
3. Challenge was made before the Kolkata Debts Recovery Tribunal No.2 through the applications (IA/1391/2024 & IA/1393/2024) in connection with SA No.430 of 2022.
4. The petitioner's interim applications were dismissed by an order dated August 23, 2024 by the tribunal. The petitioner is aggrieved by the said order. Hence the writ petition.
5. It has been submitted on behalf of the petitioner

that the tribunal passed the said order contrary to the provisions of law. It is further contended that the writ court has jurisdiction to decide the matter on merits.

6. Learned counsel representing State Bank of India submits, upon instructions, that over the self-same cause of action the issue is pending before the Debts Recovery Tribunal in the aforesaid securitization application (SA). It is also submitted that the physical possession of the secured asset(s) has already been taken over by the bank.
7. Upon hearing the respective parties and upon perusal of the materials on record, the court is not inclined to take up the issue under Article 226 of the Constitution of India.
8. It will be open for the petitioner to approach the appellate forum, if he is at all aggrieved by any order passed by the Debts Recovery Tribunal.
9. The writ petition stands dismissed.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

