

07.07.2025

Item No.116

Ct. No. 4

KB

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**WPA/1479/2025
NARAYAN CHANDRA SARKAR AND ANR.
VS
THE ICICI BANK LIMITED AND ORS.**

Mr. Partha Sarathi Das,
Mr. Sampad Das,
Ms. Avipsha Dutta Roy
...for the petitioners.

Mr. Milindo Paul,
Mr. Nabankur Paul,
Ms. Sutapa Sen Paul,
Mr. Bedashruti Bose,
Mr. Subham Das,
Mr. Bodhisatya Ghosh
...for the ICICI Bank.

The writ petitioner is aggrieved by an order dated June 17, 2025 passed by the District Magistrate, Jalpaiguri, on an application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) filed by the ICICI Bank.

It is submitted on behalf of the petitioner that although a notice of hearing was served upon the petitioner indicating that hearing would be taken on April 25, 2025 at 10:30 a.m. in the chamber of the Additional District

Magistrate (G), Jalpaiguri, and the hearing was also conducted by the Additional District Magistrate (G), Jalpaiguri, yet the order has been passed by the District Magistrate, Jalpaiguri. It is submitted that if hearing was taken by the Additional District Magistrate (G), Jalpaiguri, the order could not have been passed by the District Magistrate, Jalpaiguri.

The Bank is represented.

It has time and again been reiterated by the Hon'ble Supreme Court that High Courts should be slow to interfere in matters pertaining to the SARFAESI Act, 2002 in writ jurisdiction. It is well settled now that passing an order under Section 14 of the SARFAESI Act, 2002 is actually a step/measure under Section 13 (4) of the said Act which is assailable before the relevant Debts Recovery Tribunal under Section 17 of the said Act. Since the petitioner has an alternative and efficacious remedy before the Debts Recovery Tribunal, the instant writ petition is not entertained.

The petitioner is left free to pursue its remedies before the appropriate Debts Recovery Tribunal in accordance with law.

WPA No. 1479 of 2025 stands disposed of
as above.

(Om Narayan Rai, J.)