

19.08.2025.
17.
Suman
Ct. 01

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

MAT 55 of 2025
With
CAN 1 of 2025

M/s. Sabita Automobiles
Vs.
The Union of India and Ors.

Mr. Ratan Chandra Roy
Mr. D. Kundu
..for the appellant

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

The petitioner challenges an order dated June 17, 2025, passed by a learned Judge of this Court, whereby the learned Judge dismissed the writ petition by declining to extend to the petitioner the benefit of a notification dated May 29, 2015, issued by the Central Government in exercise of powers conferred under Section 9 of the Micro, Small and Medium Enterprises Development Act, 2006. The said notification contains instructions for the “Framework for Revival and

Rehabilitation of Micro, Small and Medium Enterprises,” as revised from time to time.

The learned Judge recorded that the petitioner had availed of MSME loan facilities from the respondent bank but defaulted in repayment of the instalments.

Consequently, the respondent bank issued a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act on October 28, 2019. The petitioner’s account was thereafter classified as a non-performing asset on June 13, 2021.

The action of the bank was upheld by the Debt Recovery Tribunal, Siliguri in O.A. No. 19 of 2022, by an order dated June 28, 2024.

It was the finding of the learned Judge that the petitioner neither informed the respondent bank nor asserted its MSME status at any stage of the proceedings.

In view of the aforesaid, and upon considering the judgment of the Hon’ble Supreme Court in ***M/s. Pro Knits vs. The Board of Directors of Canara Bank and Others***, reported at [2024] 8 SCR 140, the

learned Judge held that the petitioner was not entitled to the benefit of the MSME scheme.

Learned counsel appearing for the petitioner, however, seeks liberty from this Court to challenge the order dated June 28, 2024, passed by the Debt Recovery Tribunal, Siliguri in O.A. No. 19 of 2022, before the Debt Recovery Appellate Tribunal.

We clarify that the petitioner shall be at liberty to prefer such an appeal, if he is otherwise entitled to do so, in accordance with law.

Accordingly, **MAT 55 of 2025**, along with **CAN 1 of 2025**, is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Partha Sarathi Chatterjee, J.)

(Kausik Chanda, J.)

