

OD-3

ORDER SHEET

WPO No.689 of 2025  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

M/S. KABITA HOSIERY INDUSTRIES & ANR.  
-VS-  
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 11th September, 2025.

Appearance:

Mr. Pratip Mukherjee, Adv.

Ms. Riya Ballav, Adv.

Mr. Aditya Chakraborty, Adv.

Mr. P. Biswas, Adv.

...for the Petitioner.

Mr. Manoj Malhotra, Adv.

Mr. Manoj Kr. Mondal, Adv.

...for State-respondents.

Ms. Parna Roy Choudhury, Adv.

...for Respondent-Bank.

1. The petitioner is aggrieved by the steps taken by the Punjab National Bank to recover the loan amount by invoking provisions of the SARFAESI Act.
2. It appears that the securitization application and the interim application filed by the petitioner in connection with the securitization application both are pending disposal before the Debts Recovery Tribunal.
3. The Tribunal vide order dated 6<sup>th</sup> March, 2025 directed that the sale which took place in February, 2025 shall be subject to the outcome of the interim application challenging the sale.

4. Learned advocate for the petitioner interprets the same as an order of stay of sale passed by the learned Tribunal. The Court is not inclined to accept such interpretation.
5. As the securitization application and the interim application both are pending consideration before the Tribunal, accordingly, it will be open for the petitioner to raise all issues before the said forum. The writ petition is not entertained and the same stands dismissed.
6. The Tribunal is requested to consider and dispose of the interim application filed by the petitioner at the earliest without granting any unnecessary adjournments to either of the parties.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)