

OD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/847/2025

M/S. IDEAL GYMNASIUM PRIVATE LIMITED

-VS-

BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE REETOBROTO KUMAR MITRA

Date : November 25, 2025.

Appearance:

Mr. Tanish Ganeriwala, Adv.

Ms. Khushi Khaitan, Adv.

... for the petitioner

1. Affidavit-of-service as filed be kept with the record.
2. The petitioner challenges an order dated 18th July, 2025 passed by the Chief Judicial Magistrate, Kolkata under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter the Act).
3. The petitioner is the guarantor of a loan taken by the proforma respondent from the respondent no. 1 Bank. The petitioner had executed a deed of guarantee mortgaging its leasehold interest over a commercial space on the 5th Floor at 57 Chowringhee Road, Kolkata, having a super built-up area of 7826 Sq. Ft. along with all car parking spaces.

4. The petitioner has also instituted proceedings before the learned Debt Recovery Tribunal-1, Kolkata under Section 17 of the said Act, which is pending adjudication.
5. The impugned order of July 18, 2025 has now culminated into the possession notice of 12th November, 2025. Possession is slated to be taken on 26th November, 2025.
6. The petitioner had prior notice on 12th November, 2025 that possession would be taken on 26th November, 2025. The petitioner had sufficient opportunity to proceed before the Debt Recovery Tribunal to pursue its rights, which it has not done. Though the petitioner is aware that it has an alternative and efficacious remedy available, in view of the pending Section 17 application of the said Act before the learned Debt Recovery Tribunal, Kolkata.
7. In view of the aforestated, the petitioner has an alternative efficacious remedy, which it ought to have availed, rather than challenge an order passed under Section 14 of the said Act by the Chief Judicial Magistrate, Kolkata before this Hon'ble Court, by way of a writ petition.
8. In view thereof, the Writ Petition fails and is accordingly dismissed.
9. There shall be no order as to costs.

(REETOBROTO KUMAR MITRA, J.)