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NANDY

(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 59 of 2026

**M/S. MIDDAY DEVELOPERS PVT. LTD.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Udayan Ray, Advocate
Mr. Debabrata Ray, Advocate

.....for the Petitioner

Mr. Sambuddha Dutta, Advocate
Ms. Rajyashree Mukherjee, Advocate

.....for the State

Mr. Shamit Sanyal, Advocate (online)
Ms. Mekhala Kanji, Advocate

.....for the Respondent No. 4

1. Affidavit of Service, as filed, be kept with the record.
2. The petitioner seeks stay of the order passed by the respondent no. 2 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act), on 20.08.2025.
3. The petitioner's grievance that the alternative remedy is not sufficiently efficacious as an application under Section 17 of the said Act, challenging the order passed by the respondent no. 2, has been filed and is pending adjudication before the Debts Recovery Tribunal-I.
4. The petitioner's remedy, other than being an alternative or efficacious remedy is a statutory mandate and has to be availed, which the petitioner has already done.
5. In the circumstances, I am not inclined to entertain the instant writ-petition.
6. However, the Debts Recovery Tribunal-I, Kolkata, is directed to take up the application for stay of the order of 20.08.2025, immediately upon mentioning by the petitioner of the same.

7. The Tribunal is also directed to dispose of the stay application prior to the Bank taking any step to obtain possession of the mortgaged property.
8. With these directions, **WPA 59 of 2026** is **disposed of** without any order as to costs.
9. Needless to mention that the Bank will be free to proceed for obtaining possession in terms of the order of 20.08.2025, if the petitioner does not take steps in the matter by 15.01.2026.

(Reetobroto Kumar Mitra, J.)