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NANDY

(DO)

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

WPA 325 of 2026

**BARUN DEB GHOSH
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Asis Bhattacharyya, Advocate
Mr. Lucky Patra, Advocate
Mr. B. Mitra, Advocate

.....for the Petitioner

Mr. Sambuddha Dutta, Advocate
Ms. Debdooti Dutta, Advocate

.....for the State

Mr. Avishek Guha, Advocate
Ms. Sonal Agarwal, Advocate
Ms. Rajani Bhattacharya, Advocate

.....for the Respondent No. 4

Mr. Debjit Mukherjee, Advocate (online)
Mr. P. Jana, Advocate

.....for the CJM, Howrah

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is the son of the borrower. The petitioner is aggrieved that proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act) has been initiated and orders obtained under Section 14 of the said Act against a dead person, his father who expired on 04.01.2020.
3. There is presently an approximate sum of Rs.31 lakhs, due and payable by the petitioner to the respondent-financial institution.
4. The Bank is in symbolic possession of the mortgaged property, which is also the residential property of the petitioner.
5. Since the parties have reached a tentative settlement and the modalities of payment are yet to be worked out, the Bank is restrained by an order of injunction from taking any step pursuant to the order passed

- under Section 14 of the said Act by the respondent no. 5.
6. In the meantime, the petitioner will deposit a sum of Rs.10 lakhs drawn in favour of the respondent no. 4 by way of a demand draft which, will be deposited with the Authorized Officer of the respondent no. 4 on 19.01.2026. A further sum of Rs.5 lakhs will be made over in a similar manner by the petitioner by 30.01.2026 and the last tranche of Rs.5 lakhs will be deposited by 05.02.2026.
 7. It is made clear that in the event of a default of any of the tranches as stipulated hereinbefore, the respondent-financial institution will be at liberty to proceed with the execution of the order dated 01.11.2025 passed by the respondent no. 5.
 8. The payment and the receipt thereof by the petitioner and the respondent-financial institution respectively, are to be made without any prejudice to their rights and contentions.
 9. All such payments as afore-stated, is merely to facilitate the interim protection.
 10. The parties will be at liberty to resolve the entire issue as expeditiously as possible.
 11. The Debts Recovery Tribunal-I, Kolkata is directed to dispose of the application, as expeditiously as possible, without giving unnecessary adjournment.
 12. I make it clear that I have not gone into the facts of the case in view of the settlement between the parties, except to the limit of the of interim order which will continue till the disposal of SA 177 of 2025 pending before the DRT, unless there is a default in payment of any of the tranches by the petitioner.
 13. With these directions, **WPA 325 of 2026 is disposed of.** No order as to costs.

(Reetobroto Kumar Mitra, J.)

