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

WPA 378 of 2026

**BABA KAILASHPATI AGRO INDUSTRIES PVT. LTD. & ORS.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Probal Mukherjee, Sr. Advocate
Mr. Biswaroop Bhattacharya, Advocate
Mr. Ayan Kumar Boral, Advocate
Mr. Samrat Mukherjee, Advocate
Mr. Debabrata Basu, Advocate

.....for the Petitioners

Mr. Saptangsu Basu, Sr. Advocate
Mr. Abhishek Banerjee, Advocate
Ms. Parna Roy Choudhury, Advocate

.....for the Bank

Mr. Suddhasatva Banerjee, Advocate
Mr. Debjit Mukherjee, Advocate

.....for the Intervener

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners' grievance is that the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act), passed by the respondent no. 2, is in violation of the statutory provision as enshrined in the said Act, has to be decided before the appropriate authority.
3. The authority in the present case is the Debts Recovery Tribunal where an application filed by the petitioners under Section 17 of the said Act is pending adjudication.
4. The petitioners will be at liberty to challenge the veracity of the order passed under Section 14 of the said Act before the Debts Recovery Tribunal, which the learned Tribunal will take into account while dealing with the application under Section 17 of the said Act.
5. Mr. Basu, learned senior Advocate appearing for the Bank informs that the sale has already been held and sale certificate has been issued. The sale certificate, according to him, has not yet been registered.

6. Mr. Mukherjee, learned senior Advocate appearing for the petitioners, submits that some interim protection may be required to facilitate the process of repayment, if so advised.
7. I have been informed that the matter has been fixed for hearing on 14.01.2026, when all these afore-stated points including the points already raised will be taken by the Debts Recovery Tribunal.
8. The Tribunal will be at liberty to consider any prayer for interim or *ad interim* protection that may be raised by the petitioners before it.
9. The petitioners will also be at liberty to seek an interim protection with respect to non-registration of the sale certificate by the Bank.
10. With the afore-stated directions, **WPA 378 of 2026** is **disposed of**. There shall, however, be no order as to costs.
11. Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Reetobroto Kumar Mitra, J.)

