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AD-07/24
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NANDY

(DO)

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

WPA 390 of 2026

**M/S. MAITY ENTERPRISE & ORS.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Allen Felix, Advocate
Mr. Ganesh Chandra Patra, Advocate
.....for the Petitioners
Mr. Vimal Kumar Shahi, Advocate
Mr. Anubrata Santra, Advocate
.....for the State
Ms. Sreemoyee Mitra, Advocate
.....for the Canara Bank

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are aggrieved by the order passed by the respondent no. 3, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act).
3. However, the order was challenged before the Debts Recovery Tribunal-II, which was disposed of on 18.12.2025, holding *inter alia* that even though the pendency of an application filed under Section 17 of the said Act, had been suppressed by the Bank by moving the application, there was no infirmity in the order passed by the respondent no. 3. Thus, the challenge failed.
4. The petitioners have a statutory remedy before the Appellate Tribunal which the petitioners ought to have availed. The petitioners are at liberty to approach the Appellate Tribunal by 13.01.2026 and seek necessary relief therefrom.
5. The Bank will restrain itself from taking over possession till 13.01.2026.

6. However, if the petitioners do not file any such appeal by 13.01.2026, the Bank will have unfettered right as stipulated under the statute to pray for enforcement of the order passed by the respondent no. 3 and take possession of the mortgaged property.
7. With these directions, **WPA 390 of 2026 is disposed of.**
There shall, however, be no order as to costs.

(Reetobroto Kumar Mitra, J.)