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(DISMISSED)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 894 of 2026

INDRANI DEY & ANR.
Vs.
UNION OF INDIA & ORS.

Ms. Preksha Manot, Advocate
Ms. Saitali Hore, Advocate
Mr. Sobhan Kumar Pathak, Advocate
Ms. Sneha Chakraborty, Advocate
…...for the Petitioners
Mr. Sayak Ranjan Ganguly, Advocate
Ms. Srijani Ghosh, Advocate
Ms. Ankita Jha, Advocate
……for the Respondent Nos. 3, 4 & 5
Mr. Vikas Bansal Agarwal, Advocate
Mr. Arnab Roy, Advocate
……for the Respondent Nos. 1 & 2

1. Since the petitioners do not have an efficacious and alternative remedy, as the concerned Debts Recovery Tribunal is not in session, this writ-petition is being entertained.
2. Ms. Manot, learned Advocate appearing for the petitioners, does not pursue the point of non-compliance of Rule 8(2) of The Security Interest (Enforcement) Rules, 2002 (in short, the said Rules). It is clear that the provisions of Rule 8(2) of the said Rules, has been complied with by the Financial Institution. Advertisements have been published in the Dailies, 'Indian Express' and 'Bartaman' which are in compliance with Rule 8(2) of the said Rules.
3. Ms. Manot has, however, pressed a fresh point today that the guidelines for Micro, Small & Medium Enterprises (MSME) concerned, has to be followed by the Bank, which has not been followed, and hence the entire process is nothing short of irregular.
4. Mr. Ganguly, learned Advocate, appearing for the Financial Institution, submits that the provisions of the guidelines, as framed by the Reserve Bank of India, regarding MSME concerned, does not apply to the instant case as the Financial Institution is not a schedule commercial bank nor is the

product, a MSME concern. In addition thereto, the guidelines have also not been invoked by the petitioners and even though repeated opportunities were given, the petitioners have failed to update the status of the account from 'Non-Performing' to 'Standard' Asset.

5. The Bank in its letter of 04.09.2025, as produced by the petitioners, which is taken on record, had categorically brought to the notice of the petitioners that all issues including the fact that the petitioners' case was placed before the MSME Committee of the Bank had been complied.
6. On a query from the Court, the petitioners were unable to put in the entire outstanding money and/or reserve price fixed by the Bank for the sale of the mortgaged property. The sale, which is fixed today, cannot in these circumstances as afore-stated, be stayed.
7. In view thereof, **WPA 894 of 2026** is **dismissed**. No order as to costs.

(Reetobroto Kumar Mitra, J.)