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(DO)

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

WPA 1405 of 2026

GOUTAM PARMAR

Vs.

EDELWEISS ASSET RECONSTRUCTION COMPANY & ORS.

Mr. Samrat Mukherjee, Advocate

Ms. Ledia Dasgupta, Advocate

.....for the Petitioner

Mr. Soni Ojha, Advocate

.....for the Respondent No. 1

1. The petitioner is aggrieved that the possession of the mortgaged property belonging to the petitioner, has been taken in violation of the order dated 10.09.2024 passed by the Additional Chief Judicial Magistrate (ACJM), North 24-Parganas, Barrackpore. The petitioner submits that in terms of the afore-stated order of the learned ACJM, Barrackpore, the Advocate Commissioner was directed to give at least 14 days notice to the petitioner before taking over possession. The petitioner has been dispossessed on 17.11.2025. This dispossession, according to the petitioner, is in gross violation of the order of the learned ACJM, Barrackpore.
2. Proceedings were initiated before the learned Debts Recovery Tribunal-III (DRT), Kolkata challenging the process of taking possession by the Financial Institution. Orders have also been passed in such proceeding by the DRT.
3. Ms. Ojha, learned Advocate appearing for Financial Institution, submits that possession was taken in due compliance of the directions contained in the order of 10.09.2024.
4. By the order of 04.12.2025 passed by the DRT, the Financial Institution has been directed to file an

affidavit showing that 14 days advance notice was served on the petitioner, in due compliance of the order dated 10.09.2024. It is for the Financial Institution to disclose notices or other documents to show compliance of the order and the same cannot be forced by an order of Court.

5. However, in the event, the Financial Institution is unable to disclose notice or show that compliance was made, the adjudicating Tribunal will be at liberty to draw any inference in accordance with the provisions of law.
6. The present writ-petition does not warrant any further order as there is nothing to be adjudicated qua the disputes pending between the parties in view of the order of 04.12.2025 passed by the DRT-III, Kolkata.
7. With these observations as afore-stated, **WPA 1405 of 2026 is disposed of.** No order as to costs.

(Reetobroto Kumar Mitra, J.)