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NANDY
(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1510 of 2026

MIDLAND NURSING HOME PVT. LTD. & ANR.
Vs.
DISTRICT MAGISTRATE, NORTH 24-PARGANAS & ORS.

Mr. Subir Sanyal, Sr. Advocate
Mr. Kaushik Chatterjee, Advocate
Mr. Ritoban Sarkar, Advocate
Mr. Soham Sen, Advocate

.....for the Petitioner

Mr. Aman Agarwal, Advocate
Mr. A.K. Rai, Advocate

.....for the Respondent No. 4

1. The checkered history between the parties hereto covered three rounds of writ-petitions and several rounds of litigation before the Debts Recovery Tribunal. The final order dated 15.12.2025 passed by the Debts Recovery Tribunal, which is not a part of the writ-petition, but is assailed nevertheless, fails to take into account the actual date of declaration of the petitioners, account as a Non-Performing Asset (NPA) by the respondent-Financial Institution (FI).
2. The petitioners have a statutory remedy before the Debts Recovery Tribunal or if they so desire, before the Debts Recovery Appellate Tribunal.
3. The petitioners are well aware of such remedy and are statutorily required to avail of such remedy before invoking the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.
4. The petitioners will be at liberty to urge the issue of Section 14 of the Limitation Act before the Tribunal or the Appellate Tribunal.

5. The Tribunal is requested to decide this issue finally before undertaking any further proceeding connected with SA 712 of 2024, as a decision on this issue, will decide the future proceedings against the petitioners.
6. With these observations, **WPA 1510 of 2026** is **disposed of**.

(Reetobroto Kumar Mitra, J.)