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NANDY

(DISPOSED OF)

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

WPA 1666 of 2026

**NAJIMUL HOSSAIN & ANR.
VS.
UGRO CAPITAL LIMITED & ANR.**

Mr. Atreya Chakraborty, Advocate
Mr. Pratap Sanpui, Advocate

.....for the Petitioners

Ms. Soni Ojha, Advocate

.....for the Respondent Nos. 1 & 2

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are borrowers from the respondent-financial institution, were protected by way of an interim order passed by the Debts Recovery Tribunal-III (DRT) on 13.11.2024. The petitioners had taken all steps to engage a lawyer to represent them before such Tribunal, in spite whereof, the Advocate was unable to appear on 22.01.2025, resulting in the interim order of protection being vacated. The petitioners had immediately filed a show-cause petition (I.A. 580 of 2025) and also an application (I.A. 2998 of 2025) seeking recall and restoration of the interim order before the DRT on 07.02.2025. The said applications are still pending and have not been heard or disposed of for more than a year now.
3. The petitioners have approached this Court by way of this writ-petition, being aggrieved by the order passed by the Chief Judicial Magistrate on 08.02.2024, ostensibly as the stay order dated 13.11.2024, being vacated on 22.01.2025.
4. Parties made some serious attempt to settle the matter, which is unfortunately failed as they could not agree to the modalities.
5. I am informed by both the parties that the matter has

not been heard by the Presiding Officer in-charge of DRT-III, being the DRT-II, Kolkata.

6. Since the petitioner has a statutory and alternative and efficacious remedy, I am not inclined to entertain this writ-petition.
7. However, the petitioners should not be left remediless as the DRT with jurisdiction, is non-functional and the DRT in-charge of such Tribunal (DRT-II), seems disinclined to take up the matter.
8. The Presiding Officer of the DRT is directed to immediately to take up the matter without any delay and without granting any unnecessary adjournments and consider the issue of restoration of the interim order of 13.11.2024 in the facts and circumstances of the present case and also on the basis that the interim order had been granted by the concerned Tribunal upon consideration of all the facts and circumstances.
9. With these observations, **WPA 1666 of 2026** is accordingly **disposed of**. No order as to costs.
10. I make it clear that I have not gone into the merit of the case.

(Reetobroto Kumar Mitra, J.)

