28.01.2026
Ct. No.24
Sl. No.5
akd

W. P. A. 1783 of 2026

[Mahadeb Panja & Anr. -Vs- The Union of India & Ors.]

Mr. Masud Karim
Ms. Aiswarya Mukherjee
... ... for the petitioners

Mr. R. N. Ghose
Ms. Tonoya Ghose
... ... for respondent nos.3 & 4
[UCO Bank]

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioners are aggrieved by the sale notice dated 27.12.2025 by which the auction has been fixed on 28.01.2026. The petitioners had also preferred an application under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter '*the said Act*') challenging the sale notice, which has been fixed for hearing on February 3, 2026. It is only thereafter on January 27, 2026 that the instant writ petition has been filed.

3. The petitioners had moved an application for interim relief, which was not permitted and the same has been fixed for hearing on February 3, 2026. The refusal of an interim order is an appellable order where the appeal lies before the Debts Recovery Appellate Tribunal (DRAT). This is a statutory remedy available to the petitioners, which the petitioners were at liberty to avail. The petitioners have chosen not to avail the remedy of a statutory appeal and have filed the instant writ petition.

4. Ideally, and in terms of the decisions of the Hon'ble Supreme Court of India and the stand repeatedly taken by this Hon'ble Court, once a sale notice is issued, the Courts are not inclined to interfere in the matter.

5. The petitioners however, submit that one of the borrowers had long expired, sometime in 2023 though steps were taken to take possession of the properties mortgaged by him.

6. The only way the sale can be stayed is if the petitioners match at least the demand made by the Bank in the notice under Section 13(2) of the said Act. The petitioners have declined to match the offer as they are not in a position to match such offer.

7. In the circumstances afore-stated, the petitioners cannot be permitted to disrupt the sale, which has already been undertaken and it is obvious that the petitioners have not exercised their right to redemption as envisaged under Section 13(8) of the said Act, as offered by the Bank in its letter dated 01.02.2025.

8. In view of the afore-stated observations, the writ petition is dismissed.

9. There shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)