

Item No.6
30.01.2026
Court. No. 6
GB

C.O. 280 of 2026

Sk. Samir Ali & Ors.
Vs.
Canara Bank & Anr.

*Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Siddhartha Banerjee,
Mr. Samrat Mukherjee,
Mr. Shounak Mukhopadhyay,
Mr. R. Kumar*

...for the Petitioners.

Mr. Farooque Ali

...for the Bank.

1. The order impugned was passed in I.A.5194 of 2025 which was filed in connection with S.A.298 of 2025. By I.A.5194 of 2025, the petitioner challenged the order passed by the learned ACJM, South 24 Parganas dated November 20, 2025.
2. The petitioner is aggrieved by the order dated January 19, 2026 passed by the Presiding Officer, DRT-II, Kolkata, who was in-charge of DRT-III, Kolkata.
3. The order impugned was passed on the basis that, when the ad interim prayer for stay of the order of the learned ACJM, Alipore dated November 20, 2025 had been refused upon an observation that as the nine points contained in the proviso under Section 14(1)(b) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, had been covered by the learned ACJM, nothing further remained to be

decided IA 5194 of 2025. The tribunal recorded that as on the earlier occasion, when the prayer for ad interim order of stay of the order of the learned ACJM was refused, the matter need not be revisited any further at the final hearing. Accordingly, the challenge of the petitioner to the decision of the learned ACJM was dismissed.

4. In my view, refusal of an ad interim order of injunction was based on certain, prima facie, observations. The I.A. was filed challenging the legality of the order passed by the learned ACJM under Section 14 of the SARFAESI Act. The learned tribunal ought to have decided the said I.A. on its own merits and ought to have dealt with the issues raised by the petitioner instead of following the order passed by its predecessor, while refusing the prayer for ad interim stay.
5. Accordingly, this Court is of the view that, for the ends of justice, I.A. 5194 of 2025 ought to have been decided on its own merits and by not doing so the learned tribunal failed to exercise jurisdiction vested upon it by law.
6. The revisional application is allowed. The order dated January 19, 2026 is set aside only on the above ground. The merits of the issues involved has not been decided. The application being I.A.5194 of 2025 shall be reheard by the learned competent

tribunal and necessary order will be passed upon contested hearing. The application being I.A 5194 of 2025, shall be disposed of within a period of two weeks from the date of communication of this order.

7. As this Court has directed hearing of the application within two weeks, status quo with regard to the property shall be maintained as regards possession for a period of two weeks.
8. Accordingly, the revisional application is disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)