

01.04.2026

Ct. No. 7
Sl. No. 12
RANJAN

WPA 3409 of 2026

**THE FEDERAL BANK LIMITED AND ANR.
VS.
THE STATE OF WEST BENGAL AND ORS.**

Mr. Rachit Lakmani
Mr. Shounak Mukhopadhyay
Mr. Amar Singh
Mrs. Tutul Das
Mr. Ranjit Singh
Ms. Gunjan Jain

...For the Petitioners

Mr. Swapan Kumar Dutta
Mr. Rajat Dutta
Mr. Dipankar Ghosh
Mr. Debasish Basu

...For the State

The present writ petition is directed against an order dated 13.06.2025 passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAECI Act).

It is fairly submitted on behalf of the petitioner that the point of jurisdiction which has been taken in passing the impugned order was not properly addressed nor pleaded.

A reading of the impugned order reflects that the application under section 14 of the Act has been dismissed on the ground of jurisdiction. The Learned Chief Judicial Magistrate has proceeded on the basis as if the location of the subject vehicle was not within the jurisdiction and could not have passed any order in respect of the same.

On behalf of the State respondent, it is submitted that the appropriate Judicial Magistrate where the application should have been filed is where the borrower resides. A reading of the impugned order reflects that there has been no consideration of Section 14 in the impugned order and the same has been passed in a mechanical manner.

In such circumstances, the order dated 13.06.2025 stands set aside.

Liberty is granted to the petitioner to file a fresh application in accordance with law. If any such application is filed, the appropriate District Magistrate would consider the same without being influenced by the impugned order.

The personal appearance of the concerned representative of the bank is noted and dispensed with. In view of the above, WPA 3409 of 2026 stands disposed of.

(RAVI KRISHAN KAPUR, J.)