

17.03.2026

Ct. No. 7
Sl. No. 35
RANJAN

WPA 3741 of 2026

**SARKAR HOUSE ENTERPRISE AND ORS.
VS.
STATE OF WEST BENGAL AND ORS.**

Ms. Sangita Das
Mr. Hemanta Kumar Das
....for the Petitioners
Mr. Ritesh Kr. Ganguly
....for the State

The grievance of the petitioner is directed against action initiated under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAESI).

It is submitted on behalf of the petitioner that notwithstanding an order being passed under Section 14 of the SARFAESI Act there has been inaction by the State respondents subsequent to the above order, the petitioner had entered into a onetime settlement. After payment of the first installment the petitioner defaulted in the second installment and the respondent bank has proceeded with the application under the SARFAESI Act before the Debt Recovery Tribunal.

It is further submitted on behalf of the petitioner that they want to make further payments but the bank is not accepting the same.

In view of the statutory alternative remedy under the SARFAESI Act, 2002, there is no scope to entertain the writ petition.

The petitioner is a habitual defaulter and is simply making a ruse to overcome the stringent requirements of the SARFAESI. There is not an iota of equity in the conduct of the petitioner.

WPA 3741 of 2026 stands dismissed
However, there shall be no order as to costs.

(RAVI KRISHAN KAPUR, J.)