16.03.2026
Item No.40 (DL)
Court No.06
AJ.

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 756 of 2026

Mrs. Amita Somany & Ors.
-Vs-
State Bank of India & Ors.

Mr. Anirban Ray, Sr. Adv,.
Mr. Biswaroop Bhattacharyya,
Mr. Rahul Karmakar,
Mr. Shounak Mitra,
Mr. Pujan chatterjee,
Mr. Tanish Ganeriwala,
Mr. S. Bhattacharyya.
.....for the petitioners.
Ms. Aparajia Rao,
Ms. Nabanita Dutta.
.....for the opposite party no.1.
Mr. Tanuj Kakrania,
Ms. Surabhi Mehta.
.....for the opposite party no.2.
Mr. Anuj Singh,
Mr. Debdutta Saha.
.....for the opposite party nos.3, 4, 6 to 8,10 to 13.
Ms. Soni Ojha,
Ms. Saubrita B. Chatterjee.
.....for the opposite party no.17.

1. This revisional application is directed against an order dated February 13, 2026 passed by the Debts Recovery Tribunal-I, Kolkata in OA 145 of 2020 thereby allowing the original application directing *inter alia* as follows :-

> *"ii) The Defendants no.4 to 15 are jointly and severally liable to pay Rs.10,74,60,84,737.44 with interest @ 16% p.a. with monthly rest from 01/07/2020 till payment or realization".*

2. Mr. Ray, learned senior Advocate appearing for the petitioners assisted by Mr. Bhattacharyya invites the attention of this Court to prayer 'g' made in the original application and submits that the learned Tribunal has exceeded its jurisdiction in passing the aforesaid order, thereby granting to the applicant bank, reliefs which were not prayed for by the bank.

3. It is further submitted by Mr. Ray that the order impugned is wholly unreasoned.

4. Mr. Singh, learned Advocate appearing for the opposite party nos. 3, 4, 6 to 8 and 10 to 13 supports Mr. Ray and submits that the opposite parties nos.5 and 9 (who had been arrayed as defendant nos. 4 and 10 in the original application) had expired during pendency of the original application and, as such, the order impugned is bad even otherwise inasmuch as the same has been passed against dead persons.

5. Ms. Rao, learned Advocate appearing for the applicant bank, in her usual fairness submits that the Debts Recovery Tribunal–I, could not have passed the order impugned holding the petitioners i.e. the defendant nos. 5, 9 and 11 in the original application liable for the aforesaid sum of Rs.10,74,60,84,737.44/- (Rupees One Thousand Seventy Four Crore Sixty Lakh Eighty Four Thousand Seven Hundred Thirty Seven and Forty

Four Paisa) inasmuch as the bank's prayer as regards defendant nos. 2 to 15 in the original application was only restricted to an order of sale of shares of the defendant no.1 pledged by the said defendants.

6. She further submits that at about the same time when the original application was decided, the bank had proceeded against the defendant nos. 2 and 3 (in the original application) under Section 95 of the Insolvency and Bankruptcy Code, 2016 (hereafter "IBC") and as such, the bank could not proceed against the said defendants before the Debts Recovery Tribunal. It is submitted that since the said proceedings are no longer pending before the Tribunal, the bank should be left free to proceed against the said defendants also before the Debts Recovery Tribunal.

7. Learned Advocate appearing for the opposite party no.2 submits that the Corporate Insolvency Resolution Process (hereafter "CIRP") initiated against the opposite party no. 2 has concluded with a resolution plan which has been approved by the National Company Law Tribunal (hereafter "NCLT").

8. Having heard the learned Advocates appearing for the respective parties and having considered the material-on-record, this Court is of the view that the order impugned cannot be sustained at all.

9. Prayer ‘g’ of the original application states as follows:-

> *“g) An order for sale of the shares of the defendant no.1 pledged by the defendant nos.2 to 15 in favour of the Applicant, by public auction or by private treaty towards protanto satisfaction of the clam of the bank, the details of which is mentioned in Schedule ‘I’ of the present Application”.*

10. Thus, it will be evident that prayer ‘g’ of the original application was restricted only to an order of sale of the shares of the defendant no.1 (in the original application) pledged by the defendant nos. 2 to 15 (in the original application) in favour of the applicant bank towards protanto satisfaction of the bank’s claim. Defendant nos. 2 to 15 in the original application include the petitioners as well as opposite party nos. 3 to 13 herein.

11. Relief for recovery of a sum of Rs.1084,00,84,737.44/- (Rupees One Thousand Eighty Four Crore Eighty Four Thousand Seven Hundred Thirty Seven and Forty Four Paisa) together with interest @ 16% per annum with monthly rests from July 01, 2020 till realization thereof, had been prayed for by the bank in prayer ‘a’ of the original application and the same was restricted to defendant nos. 1 to 3 in the original application. The same is extracted hereinbelow :-

> *“a) An order directing the Defendants Nos.1 to 3 jointly and severally, to pay an aggregate sum of Rs.1084,00,84,737.44/- (Rupees One Thousand Eighty Four Crores Eighty Four Thousand Seven Hundred Thirty Seven and Forty Four Paisa) only inclusive of interest calculated up 30.06.2020 in respect of the loan accounts with further interest from 01.07.2020 @16% with monthly rests till realization together with costs, expenses etc. along with interim interest and interest on judgment.”*

12. The Tribunal has recorded that the Bank has recovered a sum of “Rs. 9.40 crore and odd” pursuant to approval of the resolution plan for the defendant no. 1 by NCLT in CIRP of the said defendant. It has also recorded that proceedings under Section 95 of the Insolvency and Bankruptcy Code, 2016 were pending against the defendant nos. 2 & 3 before the NCLT at the time when the OA was being heard. The Tribunal has thus not passed any order against the defendant nos. 1 to 3. However, the Tribunal has gone ahead and allowed the original application by holding all the other defendants in the original application (excepting defendant nos. 1 to 3 therein) liable to pay the aforesaid sum thereby practically deleting prayer ‘g’

and granting prayer 'a' in a blanket manner. The order impugned is thus fundamentally flawed.

13. It is also noticed that nothing has been discussed by the Tribunal as regards the evidence on record and no reason has been assigned in support of the ultimate conclusion reached by the Tribunal.

14. In view of the aforesaid it is clear that the Debts Recovery Tribunal has exceeded its jurisdiction by granting reliefs that had not been prayed for by the bank and has at the same time also failed to properly exercise jurisdiction vested in it by passing an absolutely unreasoned order. The order impugned is therefore, set aside. The matter is remanded to the Debts Recovery Tribunal for fresh adjudication on merits by passing a reasoned order in accordance with law, as expeditiously as the business of the learned Tribunal will permit.

15. C.O. 756 of 2026 stands disposed of with the above observations.

16. Since it is submitted by Ms. Rao that the Bank is unaware of the details of the heirs and legal representatives of the defendant nos. 4 and 10 (in the original application) who have expired, Mr. Singh is requested to supply the particulars of the said defendants to Ms. Rao, so that appropriate steps may be taken by the bank for bringing them on record in accordance with law.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)