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11.05.2026
Ct. No.07
J.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5397 of 2026

Gita Biswas
Vs.
ICICI Bank Limited and Ors.

Mr. Pramit Bag
Ms. Amani Kayan
Mr. Zubeen Pandey
Mr. Tuhin Sen
Mr. Samriddha Sen
... For the petitioner

Mr. Avishek Guha
Ms. Sonal Agarwal
... For the respondent bank

1. The grievance of the petitioner is directed against an order dated 6 February 2026 passed in an application under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI).

2. The petitioner impugns the notice dated 6 February 2026 and the consequential notice of possession dated 27 February 2026 passed under section 14 of the SARFAESI. The petitioner also seeks consideration of a representation dated 4 March 2026 whereby the petitioner has sought for an opportunity to amicably resolve the disputes and differences in respect of two particular loan accounts which had been furnished by the respondent bank.

3. On behalf of the respondent, a question of maintainability has been raised. It is submitted on behalf of the respondent bank that in view of section 17 of the SARFAESI, the petitioner has a statutory alternative remedy and this Court ought not to entertain the writ petition.

4. The facts of the case reveal that there are total of ten (10) loan facilities which had been granted by the respondent bank in favour of the petitioner and her family members and the petitioner is a co-applicant in all such accounts. The particulars of all the loan accounts are enumerated in the Affidavit-in-Opposition filed by the petitioner. In view of the above loan accounts, there is an aggregate amount of Rs.1,18,87,950.27/- which has become due and payable by the petitioner and her family members to the respondent bank. The exact dues are disputed by the petitioner.

5. It is submitted on behalf of the petitioner that she is not liable for the loans which have taken by the deceased husband or her other family members. It is also submitted on behalf of the petitioner that they are willing to pay the entire dues only in respect of two loans which are the subject matter of the notice under section 14 of the Act.

6. On behalf of the respondent authorities it is submitted that, there is ill intent and mischief on the part of the petitioner in selectively choosing

loan accounts which they want to repay without repaying all their dues. Be that as it may, it is an admitted position that proceedings have been initiated under section 14 of the SARFAESI.

7. In *State Bank of Travancore v. Mathew K.C., (2018) 3 SCC 85* it has been held as follows:

> ***3**. The Sarfaesi Act is a complete code by itself, providing for expeditious recovery of dues arising out of loans granted by financial institutions, the remedy of appeal by the aggrieved under Section 17 before the Debts Recovery Tribunal, followed by a right to appeal before the Appellate Tribunal under Section 18. The High Court ought not to have entertained the writ petition in view of the adequate alternate statutory remedies available to the respondent. The interim order was passed on the very first date, without an opportunity to the appellant to file a reply. Reliance was placed on United Bank of India v. Satyawati Tondon [United Bank of India v. Satyawati Tondon, (2010) 8 SCC 110 : (2010) 3 SCC (Civ) 260] and Sri Siddeshwara Coop. Bank Ltd. v. Ikbal [Sri Siddeshwara Coop. Bank Ltd. v. Ikbal, (2013) 10 SCC 83 : (2013) 4 SCC (Civ) 638] .The writ petition ought to have been dismissed at the threshold on the ground of maintainability. The Division Bench erred in declining to interfere with the same.*
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> ***5**. We have considered the submissions on behalf of the parties. Normally this Court in exercise of jurisdiction under Article 136 of the Constitution is loath to interfere with an interim order passed in a pending proceeding before the High Court, except in special circumstances, to prevent manifest injustice or abuse of the process of the court. In the present case, the facts are not in dispute. The discretionary jurisdiction under Article 226 is not absolute but has to be exercised judiciously in the given facts of a case and in accordance with law. The normal rule is that a writ petition under Article 226 of the Constitution ought not to be entertained if alternate statutory remedies are available, except in cases falling within the well-defined exceptions as observed in CIT v. Chhabil Dass Agarwal [CIT v. Chhabil Dass Agarwal, (2014) 1 SCC 603] , as follows: (SCC p. 611, para 15)*
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> > *"15. Thus, while it can be said that this Court has recognised some exceptions to the rule of alternative remedy i.e. where the statutory authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice, the proposition laid down in Thansingh Nathmal case [Thansingh Nathmal v. Supt. of Taxes, AIR 1964 SC 1419] , Titaghur Paper Mills case [Titaghur Paper Mills Co. Ltd. v. State of Orissa, (1983) 2 SCC 433 : 1983 SCC (Tax) 131] and other similar judgments that the High Court will not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under*

> *which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.""*

8. In view of the alternative efficacious remedy available under the Act there is no reason as to why this writ petition should be entertained. *Prima facie,* there is a huge amount in excess of Rs.1.5 crores which remains due and payable by the petitioner and her family members and it is public interest that such conduct which unnecessarily procrastinates recovery should not be encouraged.

9. In view of the above, WPA 5397 of 2026 stands dismissed.

10. Liberty is granted to the petitioner to avail of its statutory alternative remedy in accordance with law if so advised.

(Ravi Krishan Kapur, J.)