17.03.2026
Ct. No. 7
Sl. No. 13
RANJAN

WPA 5775 of 2026

M/S. MAHATO SOFT DRINKS AND ORS.
VS.
INDIAN BANK AND ORS.

Mr. Tarun Jyoti Tewari
Ms. Kousiki Bose
Mr. Dipankar Bhakta
....for the Petitioners

Ms. Amrita Pandey
Ms. Sangita Mitra
Mr. Ghanshyam Pandey
Ms. Sayanwita Auddya

....for the Respondents

The grievance of the petitioner is directed against the arbitrary and illegal action of the respondent bank.

It is an admitted position that proceedings are pending before the Debt Recovery Tribunal which have been initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short SARFAESI Act) and the matter is returnable on March 20, 2026.

In the meantime, the petitioner is aggrieved by the unilateral action of the respondent bank in taking unlawful possession of the suit premises.

It is an admitted fact that the petitioner is a defaulter and the initial loan amount was approximately Rs. 1,00,00,000/- remains unpaid.

In view of the statutory alternative remedy available to the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short SARFAESI Act), WPA 5775 of 2026 stands dismissed on the ground that the petitioner has a statutory alternative efficacious remedy under the Act.

Liberty is granted to the petitioner to agitate all points before the Debt Recovery Tribunal in accordance with law.

(RAVI KRISHAN KAPUR, J.)