

24.03.2026

Ct. No. 6
Sl. No. 37
Moumita

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side

CO 1044 of 2026

Sri Subhadeep Bose and Ors.
Vs.
Canara Bank of Assets Recovery
Management Branch and Ors.

Mr. Subir Sanyal, Sr. Adv.
Mr. Amiya Kr. Dutta
Mr. Swadesh Priya Ghosh
Mr. Sourojit Mukherjee

....For the Petitioners

1. This revisional application assails an order dated February 12, 2026 passed by the learned Debts Recovery Tribunal-II Kolkata, holding additional charge of Debts Recovery Tribunal-III Kolkata in I.A. being No. 478 of 2026 filed in connection with S.A. 84 of 2026.
2. Mr. Sanyal, learned Senior Advocate appearing for the petitioner submits that the petitioners are the owners of the properties that form the subject matter of the SARFAESI Application being S.A. 84 of 2026. It is submitted that taking advantage of a Development Agreement entered into between the petitioners and the opposite party no. 4 herein, the said opposite party has fraudulently sold two flats, which fall within the allocation of the petitioners, to the opposite party no. 7 who in turn has mortgaged the same to the opposite party no. 1 bank for securing credit facilities availed of by him without the knowledge of the petitioners. The

action of the Bank, it is submitted is already under challenge before the Debts Recovery Tribunal in the pending SARFAESI Application.

3. It is further submitted that the entire act of creation of mortgage over and in respect of the property which belongs to the petitioner and lies within the petitioners' allocation is fraudulent.
4. He further submits that the deed of conveyance has already been challenged by the petitioners by filing a Title Suit being No. 376 of 2026 before the learned Civil Judge (Junior Division), 4th Court at Alipore. On an order dated March 23, 2026 passed by the learned Civil Judge (Junior Division) 4th Court at Alipore was placed by Mr. Sanyal to demonstrate that the learned Civil Court has injuncted the defendants in the suit from creating any third party interest over the suit property and from encroaching upon the suit property till April 23, 2026. A copy of the order handed up to Court today is taken on record.
5. Mr. Sanyal submits that earlier when the said property was sought to be put on auction by the opposite party bank the same was assailed by the petitioners by taking out an interlocutory application being I.A. 478 of 2026 in the pending S.A, but the said I.A. was disposed of by the order impugned upon noting the submissions made on behalf of the opposite party bank

to the effect that sale could not fructify for want of bids.

6. Mr. Sanyal, learned Senior Advocate appearing for the petitioner further submits that the I.A. which was disposed of by the Debts Recovery Tribunal by the order impugned, had other prayers in addition to the prayer for injunction the auction and as such the same could not have been disposed of by the learned Debts Recovery Tribunal by simply observing that the sale had fallen through for want of bids. The petitioners seek setting aside of the said order.
7. The order is appealable before the appellate Tribunal. Furthermore, it is noticed, that the interim prayers which had been made by the petitioner in I.A. 478 of 2026 are already there in the pending SARFAESI application as well. In such view of the matter, the interlocutory application has rightly been taken by the tribunal to be directed against the immediate auction that was supposed to be held. The petitioner is at liberty to press for the reliefs prayed for in the pending SARFAESI Application in accordance with law, which shall be heard and decided by the Debts Recovery Tribunal on its own merits, in accordance with law.
8. Mr. Sanyal, learned Senior Advocate submits that a fresh auction sale is scheduled conducted tomorrow i.e. March 25, 2026. There is nothing that stops the

petitioner from challenging the fresh auction in accordance with law before the Debts Recovery Tribunal itself which is the forum created and authorized to assess such challenges.

9. In such view of the matter, no order can be passed on the present revisional application. C.O. 1044 of 2026 stands disposed of with the above observations. No costs.

10. 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.)