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13.05.2026
Ct. No.07
J.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7645 of 2026

Gopal Banerjee
Vs.
The Reserve Bank of India and Ors.

Mr. Mahim Sasmal
Mr. Safikul Mandal
... For the petitioner

Ms. Aparajita Rao
Ms. Nabanita Dutta
... For the respondent nos.2 to 4

1. The attempt to have the matter settled has admittedly failed. There is no compliance by either of the parties with the proposal recorded in the order dated 6 May 2026.
2. The grievance of the petitioner is directed against an order dated 16 September 2025 passed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI). It is submitted on behalf of the petitioner that the impugned order is liable to be set aside.
3. On behalf of the respondent bank it is submitted that the petitioner has a statutory alternative

efficacious remedy under section 17 of the Act and the writ petition should not be entertained.

4. It is now well settled that the Writ Court should ordinarily not entertain a writ petition in cases where a party has been an efficacious statutory alternative remedy.
5. 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. Ikbali [Sri Siddeshwara Coop. Bank Ltd. v. Ikbali, (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.

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)

“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.”

6. In view of the above, WPA 7645 of 2026 stands dismissed. Liberty is granted to the petitioner to avail of statutory remedy in accordance with law if so advised.
7. It is made clear that there has been no adjudication on the merits of the case and all issues are left open to be decided in accordance with law.

(Ravi Krishan Kapur, J.)