

D/L.08.
April 16, 2026.
KAUSHIK

WPA No. 8263 of 2026

Prosenjit Mondal
Vs.
The State of West Bengal & Ors.

Mr. Kingsuk Mondal
Mr. Pradip Kumar Kundu
... for the petitioner

Mr. Suddhadev Adak
Mr. Tapas Kumar Dey
... for the State

Mr. Shiv Mangal Singh
... for the respondent-Bank

The grievance of the petitioner is directed against non-compliance with the provision of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) in conducting of an auction sale. The petitioner complains that despite the sale having been conducted by the Debts Recovery Tribunal (DRT), the petitioner has not been given possession nor has the sale certificate been registered.

In view of the embargo under Section 17 of the SARFAESI Act, there is no scope for interference by the Writ Court. The petitioner has been unable to make out any exceptional circumstances on the basis of which any discretion should be exercised under Article 226 of the Constitution of India in favour of the petitioner.

In view of the above, WPA 8263 of 2026 stands dismissed.

Liberty is granted to the petitioner to take recourse to the available alternative statutory remedy in accordance with law.

It is made clear that there has been no expression on the merits of the case and all issues are left open for the concerned Debts Recovery Tribunal to decide in accordance with law.

(Ravi Krishan Kapur, J.)