

12.05.2026
Court No. 12
Item No.18
Cp

MAT 772 of 2026
With
CAN 1 of 2026

M/s. Shivmahima Developers Private Limited & Ors.
Vs.
LIC Housing Finance Limited & Ors.

Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Soumitra Ganguly
Mr. Shounak Mukhopadhyay
Mr. Chitresh Saraogi
Ms. Bhawna Tekriwal

...for the Appellants.

Mr. Sakya Sen, Sr. Advocate
Mr. S. Pal
Mr. H.Tiwari
Mr. S. Pal Choudhuri
Mrs. Tithi Paul
Ms. Shilpi Paul

.....for the respondents.

We do not find any reason to interfere with the order dated April 9, 2026, passed in WPA 5689 of 2026.

It is submitted by Mr. Chatterjee, learned senior advocate appearing on behalf of the appellants, that the writ petition contained an averment that the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) by the competent authority was not under challenge before

any forum. Thus, the order impugned was passed on the basis of such incorrect submission.

We find that an IA had been filed by the appellants before the appropriate forum challenging the order passed under Section 14 of the SARFAESI Act. The Debts Recovery Tribunal refused to pass any interim order. Thus, there is no legal impediment in enforcing the order passed under Section 14 of the SARFAESI Act. The order by which His Lordship directed that the proceedings under Section 14 of the SARFAESI Act should be reached to its logical conclusion, cannot be held to be either patently illegal or perverse. Under such circumstances, the order does not call for any interference at all.

Mr. Sen, learned senior advocate appearing on behalf of the respondents, submits that a date has been fixed on May 20, 2026 for compliance of the order passed by the learned Single Judge.

The appellants were at liberty to approach the Debt Recovery Appellate Tribunal against the order passed in the IA. They did not do so. The SA and IA are pending. Needless to mention that, steps taken by the bank under the SARFAESI Act are subject to final decision in the pending SA and the IA.

Accordingly, the appeal and the connected application are disposed of. The appellants may seek

expeditious disposal of the pending proceedings before the DRT.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)