

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13882 of 2021
IA No.CAN/1/2026

M/s. Bharatiya Udyog
represented by its Prop. Satish Kumar Agarwal
Vs.
State Bank of India & Ors.

Mr. Dulal Dey
...For the petitioner

Mr. Jijush Kanti Ray
...For the respondent bank

Re:CAN 1 of 2026 in WPA 13882 of 2021

1. This is an application for recalling of an order dated 7 April 2026 dismissing the writ petition, WPA 13882 of 2021 for default.
2. It is submitted on behalf of the petitioner that for reasons beyond their control they were unable to be represented when the matter was dismissed for default. In view of the above, the order dated 7 April 2026 stands recalled. WPA 13882 of 2021 stands restored to its original file.

Re:WPA 13882 of 2021

1. By consent of the parties the main writ petition being WPA 13882 of 2021 is taken up for hearing. This is a petition seeking appropriate directions on an Advocate to protect and secure the secured assets of the constituent.
2. It is submitted on behalf of the petitioner that they are unaware of the exact status of the secured assets and hence the same should be kept in the

custody and protection of an Advocate appointed by the Debts Recovery Tribunal.

3. On behalf of the respondent it is submitted that this is a misconceived writ petition and there is no enforceable legal right that the petitioner can claim. In any event, the petitioner has an adequate efficacious remedy under section 17 of the SARFAESI hence there are no grounds to justify interference with those proceedings.
4. Upon hearing the submissions of the parties, it is apparent that the instant writ petition has been filed for collateral and extraneous reasons. There is no legally enforceable right which the petitioner can claim in filing this petition.
5. In view of the express embargo under the provision of the SARFAESI, the appropriate forum to approach is the concerned Debts Recovery Tribunal. In such circumstances, WPA 13882 of 2021 stands dismissed as an abuse of process.
6. Liberty is granted to the respondent bank to proceed expeditiously in accordance with law for recovery of their loans.

(Ravi Krishan Kapur, J.)