

S/L 14
19.06.2026
Court. No. 25
Sourav

WPA 13770 of 2026

**Vikas Katyal & Anr.
Vs.
Punjab National Bank & Ors.**

Mr. Debjit Mukherjee

...for the petitioners.

*Ms. Parna Roy Choudhury
Ms. Payel Ghosh
Ms. Trisa Chanda*

...for the Bank.

1. The petitioners have filed the present writ application challenging the order passed by recovery officer dated May 21, 2026 by directing the receiver to take actual physical possession of the properties described in Schedule A, B and C of the impugned orders within 30 days from the date of the order.
2. Learned counsel for the petitioners submits that in Schedule C property being Flat 1D on the 1st Floor and one covered car parking space on the Ground Floor at Palm Estates, 7B, Palm Avenue, Kolkata – 700 019 the petitioners are the tenants of the borrower.
3. The petitioners are not aware of the proceeding and not the party of the proceeding initiated by the recovery officer. The petitioners submit that in terms of the order of the recovery officer dated May 21, 2026, the receiver has issued the notice on June 13, 2026 that the receiver shall take possession of the property on June 29, 2026 at 11.00 a.m. Accordingly, he prays for stay of the impugned notice and the order with respect of the recovery of the possession of Schedule C property.

4. Learned counsel appearing for the Bank raised objection with regard to the maintainability of the present writ application and submits that as per Section 30 of the Recovery of Debts and Bankruptcy Act, the petitioners have to file an appeal before the competent authority but instead of filing an appeal, the petitioners have filed the present writ application and as such, the writ application is liable to be dismissed.
5. Learned counsel for the petitioners submits that the receiver has issued a notice on June 13, 2026 which was received by the petitioners on June 17, 2026 and due to the shortage of time, the petitioners could not move the appeal before the appropriate authority and prays for leave to file the appeal before the appropriate authority.
6. He submits that till filing of appeal the receiver may be directed not to disturb the possession of the petitioners.
7. Considered the submissions made by the learned counsel for the respective parties.
8. This writ petition is disposed of by giving liberty to the petitioners to approach before the appropriate authority or appropriate forum by filing appropriate appeal or application within a period of two weeks from date till the appeal or application is filed by the petitioners, the receiver is directed not to disturb the possession of the petitioners.
9. It is made clear that this order is only with respect of the Schedule C property and this Court has not passed any order with regard to the Schedule A and Schedule B property and the receiver is free to take appropriate steps

with respect of the said properties except Schedule C property.

10. WPA **13770 of 2026** is disposed of.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)