

20.01.2026
15 & 16
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WPA 15418 of 2022

Pijus Tewari
Vs.
Union of India & Ors.

With

WPA 29266 of 2025

HDB Financial Services Limited & Anr.
Vs.
State of West Bengal & Ors.

Mr. Ranjan Kali
Mr. Suraj Bhattacharjee
.... for the petitioner
in WPA 15418 of 2022
.... for the respondents no. 3 to 6
in WPA 29266 of 2025

Ms. Soni Ojha
..... for the respondents no. 3 & 4
in WPA 15418 of 2022

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Ankita Jha
..... for the petitioners
in WPA 29266 of 2025

Mr. Sambuddha Dutta
Mr. Ritesh Kumar Ganguly
..... for the State
in WPA 29266 of 2025

In Re : WPA 15418 of 2022

1. The instant writ petition has been rendered infructuous due to its long pendency and subsequent steps have been taken by the concerned Bank.

2. In view thereof, the writ petition being WPA 15418 of 2022 is dismissed.

In Re : WPA 29266 of 2025

3. Let affidavit-of-service, as filed in Court, be kept on record.
4. Let supplementary affidavit, filed on behalf of the petitioner, be kept on record.
5. The present application has been filed by the financial institution/petitioners seeking expeditious disposal of an application under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the “said Act”), before the respondent no. 2 on June 1, 2023.
6. Mr. Kali, learned Advocate appearing for the respondents no. 3 to 6 submits that an award had been obtained by the petitioners herein, in an arbitral reference on the selfsame cause of action, sometime in 2021. However, he has pleaded ignorance and rightly so, since the affidavit in support of the claim of the petitioners before the respondent no. 2 is not on record, if these facts, namely the award, had been disclosed before the respondent no. 2 or not.
7. The second point that the petitioners are engaged in multiplicity of the proceedings by initiating a reference under the Arbitration and Conciliation

Act, 1996, as amended, as well as under the SARFAESI Act, 2002, is not presently relevant.

8. Mr. Ganguly, learned Advocate appearing for the petitioners, has submitted that the application under Section 14 of the said Act does not require any such facts to be disclosed as those are not germane and do not fall within the conspectus of the nine points under the proviso of Section 2 of the Act. Hence, there is no question of suppression.
9. Without getting into such questions, as aforestated, even though it is not in dispute that the proceedings under the Arbitration and Conciliation Act and under SARFAESI Act, 2002, are for two separate purposes and there is no reason as to why such actions cannot be initiated at the same time, petitioners are directed to disclose the factum of the arbitral reference and the award made therein, if the same has not been disclosed in the application under Section 14 of the said Act to the respondent no. 2.
10. The respondent no. 2 is directed to dispose of such application by February 20, 2026 and intimate the petitioners of such disposal, to enable them to take steps in obtaining possession of the mortgaged property for liquidation of the loan given to the respondents no. 3 to 5.

11. Needless to state that the respondent no. 2 will proceed to pass whatever orders are deemed necessary and fit in the application under Section 14 of the said Act without being influenced in any manner whatsoever by any observation made in this order.
12. With the aforestated directions, the writ petition is disposed of.
13. There shall, however, be no order as to costs.
14. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)