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jdt. 20.01.2026
jb.

WPA 15349 of 2025
(Sarfaraaj Nawaj @ Sarfaraaj Nowyaj vs. State of West Bengal & Ors.)

Mr. Debanjan Mukherjee
.... For the Petitioner
Mr. K. J. Yusuf
Mr. Parikshit Goswami
Ms. Priya Ghosal
.... For the State
Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
.... For the Respondent nos. 5-6

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

Heard learned counsels for the parties.

The petitioner purchased a commercial vehicle by obtaining loan from the private respondents which was undertaken to be repaid by monthly installments. The petitioner failed to pay regular installments for which the private respondents approached the learned Arbitrator in terms of the arbitration clause enumerated in the hypothecation agreement. By an interim order passed on 22nd February, 2025 under Section 17 of the Arbitration and Conciliation Act, 1996, the learned Arbitrator appointed a receiver and permitted him to repossess the vehicle in question. The claimant/private respondents was/were directed to keep the vehicle in safe custody and not dispose of the same without permission of the Arbitrator.

Learned counsel for the private respondents submits, on instruction, that award has been passed on 22nd April, 2025.

The petitioner also filed a suit against the private respondents being T. S. 352 of 2025 wherein the learned trial

Court granted an order of ad interim injunction restraining the defendants/private respondents from taking forcible possession of the vehicle without due process of law.

Upon consideration of the submission made on behalf of the parties as well as the material on record, this Court is of the view that the vehicle was repossessed on behalf of the private respondents pursuant to the direction of the learned Arbitrator, that is, in due course of law.

In view of the above, the petitioner is granted liberty to approach the appropriate forum for redressal of his grievance. The steps taken by the private respondents cannot prima facie be said to be illegal or arbitrary. The vehicle has also been protected from being alienated/transferred by the learned Arbitrator.

Nothing further remains to be dealt with in the present application and the same is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)