

19
30.03.2026
Ct. No.07
J.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20277 of 2025

Sudhin Paul and Anr.
Vs.
Union Bank of India and Ors.

Mr. Ankita Dey
...For the petitioner

Mr. Debabrata Das
Mr. A. Sarkar
Mr. Pratik Acharjee
...For the Reserve Bank of India

Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
Ms. Esha Basak
...For the Union Bank of India

Mr. Lal Mohan Hajra
Mr. Anirudha Chatterjee
Mr. Somesh Panja
Mrs. Anuradha Hajra
Mrs. Moutusi Hazra
...For the respondent nos.7 & 8

- 1.The writ petitioner is directed against alleged excess funds on account of sale proceeds lying with the respondent bank and for consequential directions.
2. It is submitted on behalf of the petitioner that despite having filed a representation dated 7 July 2025 for release of such excess amount, the respondent bank has taken no steps whatsoever. On behalf of the private respondent bank nos. 7 and 8, it is submitted that the entire debt has been paid by the respondent no.7 and notwithstanding this fact the bank has proceeded to sell the secured assets.

3. The above facts are disputed by the respondent bank.
On behalf of the bank. It is submitted that any sale of the secured assets has been in terms of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Writ Court ought not to go into such questions.
4. In view of the statute alternative remedy available to the petitioner under section 17 of the SARFESI Act, the instant writ petition is not liable to be entertained. All the questions sought to be raised by the petitioner would be more effectively adjudicated by the Debts Recovery Tribunal. This is the clear statutory mandate.
5. It is made clear that there has been no adjudication on the merits of this case and all questions are left open for the Appropriate Debts Recovery Tribunal to adjudicate in accordance with law.
6. In view of the above, WPA 20277 of 2025 stands dismissed.

(Ravi Krishan Kapur, J.)