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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24257 of 2025

**M/S. TUHIN ENTERPRISE & ORS.
Vs.
PUNJAB NATIONAL BANK & ORS.**

Mr. Gobinda Kar, Advocate

.....for the Petitioners

Mr. Abhishek Banerjee, Advocate

Ms. Parna Roy Choudhury, Advocate

.....for the Punjab National Bank

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are aggrieved that their property has been sold by the respondent Bank in violation of the statutory provision though the petitioners could not specify which of the statutory provisions has been violated.
3. An application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act) challenging the measures taken by the petitioners, has been preferred by the Bank before the Debts Recovery Tribunal-III, Kolkata which was dismissed on 31.07.2025.
4. The remedy of the petitioners lies before the Debts Recovery Appellate Tribunal against the afore-stated order of dismissal. Without availing such statutory remedy, the petitioners cannot be permitted to take advantage of a proceeding instituted under Article 226 of the Constitution of India.
5. With the afore-stated observations, **WPA 24257 of 2025 is disposed of.** There shall, however, be no order as to costs.

(Reetobroto Kumar Mitra, J.)

