

08 **09.01.
2026**

Ct. No. 24

Ab

WPA 27517 of 2025

Abani Bhusan Mukhearjee

Vs.

The IDBI Bank Ltd. and others.

**Mr. Sourabh Guha Thakurta,
Mr. Joy Chakraborty,
Ms. Ipsita Ghosh,
Mr. Abhratanu Sarkar.**

... for the petitioner.

**Mr. Pritest Bansod,
Ms. Sangita Mishra,
Ms. Amrita Pandey,
Ms. Sayanwita Auddya.**

... for the Bank.

Mr. Amal Kumar Datta.

... for the Union of India.

1. The petitioner's grievance is not merely against an action taken by the financial institution under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as 'said Act'), it is also that the action by the Bank has been taken without considering the provisions of the Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises issued by the Reserve Bank of India on March 17, 2016 as well as the Master Direction – Lending to Micro, Small & Medium Enterprises (MSME) Sector issued by the Reserve Bank of India on July 21, 2016.
2. Mr. Guha Thakurta, learned Advocate appearing on behalf of the petitioner, has fairly submitted that an application under Section 17 of the said Act has already been filed and is likely to be taken up on January 20, 2026 by the Debts Recovery Tribunal-I, Kolkata for admission and for necessary ad interim or interim orders.
3. Mr. Bansod, learned Advocate appearing on behalf of the respondent no. 1, submits that the said Bank

has taken all these points into consideration before proceeding with the notice under Section 13(4) and the consequential measures thereof under Section 14 of the said Act.

4. Since the application under Section 17 of the said Act has already been filed and will be taken up shortly, I grant leave to the petitioner to take the issues regarding the afore-stated two notifications issued by the Reserve Bank of India in the Section 17 application before the Debts Recovery Tribunal, if not already taken. The Debts Recovery Tribunal will decide the issue of ad interim orders of protection taking into account such notifications and the compliance and/or violation thereof as argued by the parties.
5. With these afore-stated directions, the writ petition is disposed of.
6. There shall, however, be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)