

12.02.2026
Ct. No.24
Sl. No.12
akd

W. P. A. 28607 of 2025

[S. M. Samim -Vs- The State of West Bengal & Ors.]

Md. Younush Mondal
... ... for the petitioner

Mr. Aman Agarwal
Mr. Bikash Kumar Roy
Ms. Mousumi Choudhury
Ms. Sanjana Jha
... ... for respondent no. 6

Mr. Sourav Chowdhury
Ms. Tuhina Parvin
... ... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. Supplementary affidavit filed on behalf of the petitioner is also taken on record.
3. The petitioner is aggrieved that his property is being taken over by the respondent no.6.
4. The petitioner submits that he is neither the borrower nor a guarantor nor in any manner concerned with the loan transaction, which is between the respondent no.5 and the respondent no.6. The respondent no.5 is the brother of the petitioner. The petitioner has also filed a civil suit being Title Suit No. 481 of 2025 before the learned 1st Civil Judge (Senior Division) at Barasat.
5. The petitioner has raised an issue that the respondent-financial institution being a housing finance company is a NBFC and thus covered by the notifications which prevent any NBFC from initiating the process under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security

Interest Act, 2002 (hereinafter '*the said Act*'). The petitioner is unable to show that the respondent no.6 is a duly notified company by the Reserve Bank of India (RBI). Hence, it cannot be said that the respondent no.6 is a NBFC covered by the notifications.

6. The petitioner is already enjoying an order of status quo in the suit filed by him. The remedy of the petitioner lies before the Debts Recovery Tribunal (DRT) under the said Act, which is a statutory remedy.

7. The petitioner is at liberty to approach the said Tribunal for seeking the reliefs as prayed for, if so advised.

8. In view of the afore-stated, this writ petition cannot be entertained and is accordingly, dismissed.

9. There shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)