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2026

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NANDY

(DISMISSED)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 29944 of 2025

GUDDY RECHARGE PRIVATE LIMITED & ORS.

Vs.

TRUHOME HOUSING FINANCE LIMITED & ORS.

Mr. Mukteswar Maity, Advocate

Ms. Manika Sarkar, Advocate

.....for the Petitioner

Ms. Soni Ojha, Advocate

Ms. Sambirta B. Chatterjee, Advocate

.....for the State

1. The petitioners are aggrieved that in spite of having paid a substantial sum of money towards liquidation of the loan given by the respondent no. 1, steps have been taken by the respondents under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter, the said Act). The petitioners and the respondent no. 1 have made efforts to resolve the issues, which were in vain.
2. It is a fact that the petitioners have paid a substantial sum of money towards liquidation of the loan and equally true that the respondent no. 1, a private financial institution is behaving no less than Shylock.
3. However, a private body, even with some public element as this, cannot be brought within the fold of the jurisdiction of Article 226 of the Constitution of India.
4. In addition to the above, the petitioners have a remedy before the Debts Recovery Tribunal, a statutory body, which has been constituted under the afore-stated Act.
5. This being an alternative and efficacious remedy, the petitioners ought to pursue the pending application before the said Tribunal.
6. **WPA 29944 of 2025** accordingly **dismissed**. No order as to costs.

(Reetobroto Kumar Mitra, J.)

