

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Biswaroop Chowdhury

M.A.T. 94 of 2025

Speed Fast Construction Private Limited

Vs.

DA3 MALLS LLP & Ors.

With

CAN 1 of 2025

CAN 3 of 2025

CAN 4 of 2026

For the Appellant

: Mr. Ajay Singhal
Ms. Heena Yasmin Shaikh
Mr. Chiroshhre Dey
Ms. P. Khaitan

For the Respondent No. 1

: Mr. Suresh Kumar Mitruka (V.C.)
Mr. Aayush Mitruka (V.C.)
Ms. Shruti Yadav
Mr. Sujit Swami

For the State

: Mr. Subir Kumar Saha
Mr. Momenur Rahman
Mr. Bikash Singha

Heard & Judgment on

: March 17, 2026

Debangsu Basak, J.:-

1. Appeal is at the behest of a person who is not a party to the writ petition,
in which the impugned order was passed.
2. By an order dated November 25, 2025, Coordinate Bench was pleased to
permit the appellant to prefer an appeal from the impugned judgment and

order on the finding that right, title and interest of the appellant in respect of an immovable property concerned may get affected.

3. Learned advocate appearing for the appellant submits that, the Writ Court passed the impugned order in a writ petition in which the appellant was not a party respondent. He submits that there was a subsisting order of injunction passed by the Debt Recovery Tribunal, Siliguri in S.A. 108 of 2025 dated July 8, 2025 requiring the parties not to change the nature and character of the property and from alienating or transferring the same before the next date of hearing. He submits that, directions obtained from the Writ Court are in violation of the order dated July 8, 2025 of the Debts Recovery Tribunal.
4. Learned advocate appearing for the purchaser/respondent no. 1 submits that the immovable property concerned stood sold to his client on March 26, 2019 by the Indian Bank under the provisions of Securitization and Reconstruction and Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). He submits that his client being entitled to registration of the sale certificate applied before the concerned bank for appropriate relief. As the bank did not act in terms of the provisions of law, his client was constrained to approach the Writ Court by the writ petition in which the impugned order was passed. He submits that

during the pendency of the appeal, the registering authority passed relevant orders.

5. State is represented.
6. Appellant before us claims right, title and interest as the owner of an immovable property which stood admittedly mortgaged with Indian Bank. Indian Bank exercised powers under Section 14 of the SARFAESI Act put up such immovable property for sale. Purchaser purchased the same. A sale certificate was issued on March 26, 2019 in favour of the purchaser.
7. Appellant before us being aggrieved by the measures taken under Section 14 of the SARFAESI Act, approached the Debt Recovery Tribunal, Siliguri in S.A. 108, 2025 under Section 17 thereof. In such proceeding, an order dated July 8, 2025 was passed which restrained the parties from changing the nature and character of the property and from alienating and transferring the same before the next date of hearing.
8. Order of injunction by the Debt Recovery Tribunal passed in S.A. 108 of 2025 is subsequent to the sale certificate dated March 26, 2019.
9. In any event, there are statutory alternative remedies available to the appellant before us. In the event, the sale which was made by the Indian Bank in favour of the purchaser is set aside, then necessarily all

consequential steps will be taken. As on date, the sale is yet to be set aside. As a purchaser, the respondent no. 1 is entitled to take steps for the purpose of completing its title in respect of the immovable property concerned.

10. By the impugned order, learned Single Judge directed the registering authorities to take steps in accordance with law. As noted, we are of the view that the registering authorities passed relevant order. We make no comment with regard to the legality, validity and sufficiency of such order passed by the Debt Recovery Tribunal.

11. We are of the view that no right of the appellant stands affected by the order impugned. In any event, as noted above, appellant can canvass the points sought to be raised herein in the Debt Recovery Tribunal proceeding.

12. **M.A.T. 94 of 2025** and all the connected applications are dismissed without any order as to costs.

13. Interim order stands vacated.

(Debangsu Basak, J.)

14. I agree

S.D.

[Biswaroop Chowdhury, J.]