

APOT/45/2026
WITH CS.COM/813/2024
IA No.GA-COM/1/2026

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

DOOARS JUTE TEXTILES PVT. LTD.
AND ORS.

-VERSUS-

STATE BANK OF INDIA

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: 1st April, 2026

Appearance:

Mr. Abhrajit Mitra, Sr. Adv.

Mr. Aritra Basu, Adv.

Ms Sonia Sharma, Adv.

...for the appellant.

Ms. Deblina Lahiri, Adv.

Mr. Mrinmoy Chatterjee, Adv.

...for the respondent/Bank.

The Court :- Learned Senior Advocate appearing for the appellant submits that, the appellant seeks to withdraw the present appeal as also the suit in view of the fact that there are statutory alternative remedy available to the appellant in respect of the causes of action sought to be canvassed in the suit and in the appeal. He submits that, liberty be granted to the appellant to raise the issue in the suit as also in the appeal before the appropriate forum. He points out that the appellant is already before the Debts Recovery Tribunal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002). He submits that, the appellant be permitted to raise the same issue before such forum. Be it clarified that such forum will not be influenced by any of the

observations made by the learned Trial Judge in the judgment and order under appeal.

Learned Advocate appearing for the bank submits that, her client does not stand in the way of the prayer for withdrawal made.

Since the appellant is seeking to withdraw the appeal as also the suit, and since the proceedings under the Act of 2002 were undertaken by the respondent and since the appellant already approached the Debts Recovery Tribunal under Section 17 thereof, it would be appropriate to permit the appellant to withdraw the present appeal as also the suit in which the impugned judgment and order was passed.

It is clarified that the parties are at liberty to raise their respective contentions before the appropriate forum in accordance with law. Debts Recovery Tribunal (DRT) will not be influenced by any of the observations made by the learned Trial Judge in the impugned judgment and order.

APOT/45/2026 is dismissed as withdrawn.

CS-COM/813/2024 is treated on the day's list by consent of the parties and is dismissed as withdrawn on the prayer made on behalf of the plaintiff.

Connected applications, both in the appeal and the pending suit, are also disposed of.

There will be no order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)