

24.08.2026
Court No. 12
Item No. 14
Sandip

FMA 995 of 2026
With
CAN 1 of 2026

Phoenix ARC Private Limited
Vs.
The State of West Bengal & Ors.

Ms. Aparajita Rao

...for the Appellant.

Mr. Niladri Saha

...for the State.

Mr. Dipendu Sarkar

...for the Respondent nos. 4-6.

1. The order impugned is contrary to law. The bank approached the writ Court for a direction upon the State administration to aid the secured creditor in taking over possession of the secured asset, on the basis of the order passed by the District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. At best, the writ Court could have rejected the prayer of the bank. The writ Court could not direct the bank to amicably settle the issue with the borrower. Under such circumstances, the order impugned is set aside.
3. Liberty is granted to the appellant to mention the matter for immediate disposal of the writ petition on the basis of the prayers. The order impugned has been passed in excess of jurisdiction.
4. Liberty to mention.

5. Accordingly, the appeal and the connected application are disposed of.
6. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)