17.11.2026
Ct. no.236
SL.10
Samarpita

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 30745 of 2026

CHIRANJIB GHOSH AND ANR.
VS
UNION OF INDIA AND ORS.

Mr. Jagabandhu Roy,
Ms. Manasi Roy
..for the Petitioners

Ms. Debjani Ghosh,
Mr. Bhaskar Mukherjee,
Ms. Debdeetta Dutta
..for the Respondent nos. 2,3,4 (Bank)

1. The petitioners are borrowers of the respondent bank. On 20th August, 2026, a notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) was issued.

2. The petitioners, by filing this writ petition have, *inter alia*, prayed for the following reliefs:

> "*a) A writ of and/or in the nature of mandamus, commanding the HDFC Bank authorities not to give any effect of further effect to the notice dated 20.08.2026 as well as notice dated 24.09.2026 under Sub-Section 2 of Section 13 of the Securitization of Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 which are being Annexures "P-4" and "P-7" to this application and to withdraw/cancel/set aside same: the*
>
> *b) A writ of and/or in the nature of mandamus commanding the HDFC Bank authorities specially the Authorised Officer, HFDC Bank Limited, Retail Port Folio Management, having its office at Mangoe Lane, 5th Floor, Surendra Mohan Ghosh Sarani, Kolkata 700001 to withdraw/cancel/set aside the notices dated 20.08.2026 as well as notice dated 24.09.2026 under Sub-Section 2 of Section 13 of the Securitization of Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 which are being Annexures*

"P-4" and "P-7" to this application and to withdraw/cancel /set aside the same;

c) A writ of and/or in the nature of certiorari do issue directing the respondents, each one of them, servants, assigns and subordinates to transmit the entire records of the case forming the basis of issuance of the purported trade licenses, to this Hon'ble Court and to certify them and on being so certified, quash the same;"

3. The petitioners have adequate and efficacious alternative remedy under the SARFAESI Act, 2002. In view of the above, the writ petition stands dismissed.

4. However, dismissal of this writ petition shall not preclude the petitioners from approaching the appropriate forum in accordance with law.

5. There shall be no order as to costs.

6. Urgent Photostat website copy of this order, if applied for, be given to parties upon compliance with all requisite formalities.

(Arjun Ray Mukherjee, J.)