

07.07.2026
Supple. 2
sdas

WPA 13569 of 2026
with
CAN 1 of 2026

M/s. Surekalna Agro Private Limited & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. Shashwat Nayak
Mr. Debjit Mukherjee
..... for the petitioners

Mrs. Indrani Chakraborty, learned AGP
Mr. Falguni Bandyopadhyay, Sr. Adv.
Ms. Sarda Sha
Ms. Riya Ballav
..... for the State

Ms. Debjani Ghosal
..... for the Indian Bank

1. The petitioners are aggrieved that its outstandings to the respondent Bank has been grossly inflated and misused by the Bank who issued a Memorandum dated June 11, 2026 seeking to take possession of the mortgaged properties of the petitioners.
2. The said Memorandum dated June 11, 2026 was carried to this Hon'ble Court by this writ petition. The matter was heard and was directed to appear in the list on July 9, 2026.
3. During pendency of the writ petition, Superintendent of Police, Purba Bardhaman, respondent no. 2 herein, issued a Memorandum

dated June 23, 2026, for providing adequate police assistance to take possession of the properties, which had been mortgaged. The application being CAN 1 of 2026 has been filed and moved on the ground of extreme urgency that during pendency of the writ petition, the authorities are proceeding to take possession of the properties on July 8, 2026.

4. The Bank is in symbolic possession of these properties.

5. The petitioners ought to have challenged this Memorandum of June 23, 2026, before the concerned Debts Recovery Tribunal, being DRT-I, Kolkata. This has already been done. The challenge before the Debts Recovery Tribunal was filed on July 3, 2026 being IA No. 2074 of 2026 along with put up application. Unfortunately no date has yet been given by the concerned Tribunal for taking up this application. The petitioners having taken all steps in the matter, diligently, cannot be made to suffer merely because the concerned Tribunal was unable to take up the matter.

6. The Presiding Officer of the Debts Recovery Tribunal-I, Kolkata, is directed to immediately take up this matter and decide the question of stay of the Memorandum No. 3619/E/CA-II/SARFAESI/F-06-26 dated June 23, 2026, by July 15, 2026.

7. The concerned Debts Recovery Tribunal will dispose of this matter by July 31, 2026 without giving any adjournments to any of the parties.

8. In the meanwhile, till July 15, 2026, the Bank and the police authorities are restrained by an order of injunction not to proceed to take actual physical possession of the properties without leave of the concerned Tribunal.

9. In the event, the decision goes in favour of the Bank by the concerned Debts Recovery Tribunal, the Bank will be entitled to take all steps to take actual physical possession of the properties without issuing any further memorandums in any manner whatsoever except for indicating to the petitioners the date by which they intend to take possession.

10. It has been brought to the notice of this Court that at the time of hearing, that the main application being TSA No. 02 of 2019 along with pending application has already been heard out and has been reserved for judgment by the order dated June 19, 2026.

11. It is expected that for the benefit of the parties hereto, the said application will be disposed of in its entirety as expeditiously as possible preferably by July 31, 2026.

12. The Debts Recovery Tribunal will be at liberty to consider the application for stay of the impugned

Memorandums by imposing any condition as may be prayed for by the Bank.

13. With the aforestated directions, the writ petition along with the connected application being CAN 1 of 2026 is, thus, disposed of.

14. There will be no order as to costs.

15. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(Reetobroto Kumar Mitra, J.)