

15.10.2026
Sl. No. 9
Ct No. 446
SG

WPA 30197 of 2026

**Cholamandalam Investment and Finance Company
Limited & Anr.
Vs
The State of West Bengal & Ors.**

Ms. Reshmi Ghosh,
Mr. Ranjit Singh,
Ms. Tutul Das,
Mr. Amar Singh,
Ms. S. Mukherjee,
Ms. A. Bhattacharjee,
Ms. S. Bali.

...for the petitioners

Mr. Uday Shankar,
Mr. Devendra Prasad.

...for the State

Mr. Oishik Chatterjee,
Mr. Biswajit Mitra.

...for respondent nos. 3 to 6

1. Affidavit-of-service as filed by the petitioners is taken on record.
2. The present writ petition has been preferred praying for direction upon the District Magistrate, North 24 Parganas to dispose of the application presented by the petitioners before him under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the Act”) expeditiously.
3. Ms. Ghosh, learned Advocate appearing for the petitioners, submits that, after completion of all necessary formalities, the petitioner being the secured creditor filed an application under Section 14 of the Act before the District Magistrate, North 24 Parganas to obtain the physical possession of the secured asset on 21st November, 2025. Despite receipt of

the said application, the same has not been disposed of and no order has been passed thereon. She submits that this inaction has prompted the petitioners to prefer the present writ petition.

4. Mr. Chatterjee, learned Advocate appearing for the private respondents complains that even after the loan account was classified as NPA, the secured creditor accepted money from the borrower. He prays for liberty to raise this issue before the District Magistrate, North 24 Parganas.

5. Mr. Shankar, learned Advocate entered appearance on behalf of the State.

6. Heard learned Advocates appearing for the respective parties and perused the materials on record. Records reveals that upon the borrower being failed in adhering to the repayment schedule, the loan account was classified as NPA. Thereafter, the petitioners being the secured creditor initiated measure under the Act. A notice under Section 13(2) of the Act was issued followed by a notice under Section 13(4) of the Act. Subsequently, an application was filed by the petitioner under Section 14 of the Act to obtain the physical possession of the secured asset and the said application was filed on 21st November, 2025.

7. The first proviso to Section 14 of the Act stipulates that, upon receipt of an affidavit from the authorised officer of the secured creditor, the District Magistrate or the Chief Judicial Magistrate, as the case may be, shall, upon being satisfied with the contents thereof, pass appropriate orders for the purpose of taking possession of the secured assets within a period of 30 days from the date of receipt of the application. The 2nd proviso

further mandates that, where the order cannot be passed within the said period, the reasons for such delay shall be recorded in writing, and the order shall, in any event, be passed within a further period not exceeding 60 days.

8. Thus, the statutory mandate requires the District Magistrate to dispose of the application within the stipulated period, which, in no case, shall exceed 60 days from the date of receipt of the application. In the present case the application has been received on 21st November, 2025, however, despite this till date the said application has not been disposed of as yet.

9. There is a catena of decisions that deal with an application under Section 14 of the Act is a ministerial in nature and a borrower cannot claim any right of audience before the Chief Judicial Magistrate or before the District Magistrate, as the case may be, while considering this application. Thereafter, the borrower's prayer for a right of audience before the District Magistrate cannot be entertained.

10. In view of such discussions made in the preceding paragraphs and having regard to the facts and circumstances and the submissions advanced by the parties, the writ petition is disposed of by directing the District Magistrate, North 24 Parganas to dispose of the application presented by the petitioners under Section 14 of the Act positively within a period of eight weeks from the date of receipt a copy of this order.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Partha Sarathi Chatterjee, J.)