

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(Appellate Side)

W.P.A. NO 22826 OF 2026

PUNJAB NATIONAL BANK & ORS.

VS.

THE STATE OF WEST BENGAL & ORS.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	:Mr. Abhishek Banerjee, Adv.
For the State respondents	:Mr. Abhijit Ray, Adv. Mr. Partha Sarathi Basu, Adv.
For the respondent no. 6	:Ms. Priya Ghoshal, Adv.
For the respondent no. 8	:Mr. Shobhantanu Bhattacharyya, Adv.
For the respondent nos. 9 & 10	:Mr. Sagarmay Ghosh, Adv.
Hearing concluded on	: 30.09.2026
Judgment on	: 30.09.2026

SAUGATA BHATTACHARYYA, J.:

1. Bank authority is before this Court with the present writ petition seeking direction for providing police assistance to petitioners for implementation of order dated 27th November, 2024 passed by the District Magistrate, Bankura in a proceeding under

Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “SARFAESI Act of 2002”).

2. Learned advocate representing petitioners submits that bank authorities took steps under Section 13(4)(a) of SARFAESI Act of 2002 thereby taking possession of secured assets and subsequently by taking steps secured assets were sold by auction sale. It is further submitted that after expiry of time steps were taken under Section 14 of SARFAESI Act of 2002 thereby approaching District Magistrate, Bankura for obtaining necessary order in order to take possession of secured assets. District Magistrate, Bankura vide order dated 27th November, 2024 permitted the bank authority to intimate date of taking possession of secured assets to the Superintendent of Police, Bankura as well as Block Development Officer, Barjora Development Block for taking physical possession of secured assets/property. Since no police assistance has been extended to petitioners in terms of order dated 27th November, 2024, prayer is made for directing concerned police authorities to extend assistance to petitioners for implementation of order dated 27th November, 2024. In support of such contention, reliance is placed on order of the Hon’ble Division Bench dated 22nd July, 2025 passed on an appeal being **FMA 309 of 2022 (Arpita Debnath & Anr. Vs. UCO Bank & Ors.)**.

3. State respondents and private respondents are represented by learned advocates.

4. On behalf of private respondents, it is submitted that after taking measures by petitioners under Section 13(4)(a) of SARFAESI Act of 2002 challenging such measures application was filed under Section 17(1) before the Debts Recovery Tribunal No. 2, Kolkata being SA 40 of 2025. Therefore, it is contended that if order passed by District Magistrate, Bankura on 27th November, 2024 is implemented with assistance of concerned police authorities, in that event application under Section 17(1) which is pending before the Debts Recovery Tribunal No. 2, Kolkata will become infructuous.

5. Having considered respective submissions made on behalf of parties and taking note of materials available on record, it transpires that order passed by the District Magistrate under Section 14 was questioned before a coordinate Bench by filing a writ petition being WPA 15323 of 2025 which was dismissed vide order dated 28th August, 2026 thereby granting opportunity to borrower to urge all points before the Debts Recovery Tribunal in pending application under Section 17(1). After dismissal of writ petition vide order dated 28th August, 2026 it is not demonstrated on behalf of borrower that steps have been taken before the Debts Recovery Tribunal or application was moved before Debts Recovery Appellate Tribunal under Section 17(6) of SARFAESI Act of 2002.

6. There is substance in contention made on behalf of petitioners that mere pendency of application under Section 17(1) questioning measures taken under Section 13(1)(a) shall not operate as stay in view of the order passed by the Hon'ble Division Bench in **Arpita**

Debnath (supra) wherein it was observed that a proceeding under Section 14 is independent of proceeding initiated by borrower under Section 17 of the SARFAESI Act of 2002 and it is for the borrower to approach Debts Recovery Tribunal for interim relief against sale.

7. In aforesaid conspectus, Superintendent of Police, Bankura being respondent 3 and Officer-in-Charge, Barjora Police Station, Bankura being respondent no. 7 are directed to provide necessary assistance to petitioners within fortnight from date for implementation of order dated 27th November, 2024 on compliance of necessary formalities.

8. Writ petition stands disposed of.

(Saugata Bhattacharyya, J.)

Later

1. After dictating this order in open Court, learned advocates representing private respondents have prayed for stay of operation of this order.
2. Such prayer is considered and refused.
3. Parties to act on server copy of this judgment duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)