

GAHC010020072026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/552/2026

SIDDHARTHA MODAK
SON OF RAJAN KISHAN MODAK,
RESIDENT OF MADAN DIGIRPAR BILPAR,
SILCHAR DISTRICT- CACHAR ASSAM- 788001.

VERSUS

SMALL BUSINESS FINECREDIT INDIA PVT. LTD.
UNIT NO 103, 1ST FLOOR, C AND B SQUARE,
SANGRAM COMPLEX, CTC NO. 95A,
127 ANDHERI KURLA ROAD,
VILLAGE- CHAKALA ANDHERI (EAST) MUMBARI- 400059.

For the petitioners : Dr. P. Agarwal, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

04-02-2026

(Ashutosh Kumar, C.J.)

We have heard Dr. P. Agarwal, legal aid counsel for the petitioner.

On grounds of insurmountable difficulties faced by the petitioner, he

has approached this Court seeking only an accommodation of 30 days in vacating the premises.

It is submitted that the loan account has been declared to be Non-Performing Asset and proceedings under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 has been initiated.

One Smti Neihat Haolai, ACS, Assistant Commissioner, Cachar has been entrusted for maintaining the law and order on the date to be fixed by the Bank authority for taking over the possession of the immovable property belonging to the petitioner.

The petitioner gives an assurance that if no arrangement for alternative accommodation is made within 30 days, he would vacate the premises of voluntarily.

It has been submitted on behalf of the petitioner that this accommodation is required by the petitioner to find an alternative accommodation when he does not have any job at the moment; his father has suffered a brain stroke in December, 2025 and he has a five years old daughter at home to fend for.

Let notice be served on the sole respondent *dasti* on furnishing necessary requisites by the petitioner within a period of two days, whereafter the certificate regarding service of *dasti* notice would be filed in the Registry without any delay.

Ms. R.B. Bora, learned Government Advocate, Assam shall also take instructions in the matter and shall inform this Court by the next date.

Let this matter come up for consideration on **12.02.2026**.

Till such time, it is expected that no precipitate action shall be taken against the petitioner.

JUDGE

CHIEF JUSTICE

Comparing Assistant