

30.04.2026
Item No.8 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1210 of 2026

Nilima Bachar & Anr.

-Vs-

Aadhar Housing Finance Limited

Mr. Dipankar Saha,
Mr. Dipranjan Mukhopadhyay,
Mr. Subham Kumar Das.
.....for the petitioners.

Mr. S.R. Ganguly,
Ms. Srijani Ghosh,
Ms. Kripa Kami.
.....for the opposite party.

1. Affidavit of service filed in Court today is taken on record.

2. Learned Advocate appearing for the petitioners contends that the order impugned is wholly without jurisdiction inasmuch as, the opposite party could not have invoked the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002 (hereinafter SARFAESI Act, 2002) since in the case at hand the amount alleged to be due is less than Rs.20,00,000/- (Rupees Twenty Lakhs Only) and in terms of the Reserve Bank of India (RBI) Notification dated February 24, 2020 modified by Notification dated February 12, 2021 a non-banking financial corporation would not be entitled to invoke the provisions of SARFAESI Act, 2002 in case the dues sought to

be recovered are less than Rs.20,00,000/- Lakhs. He relies on a judgment of the Coordinate Bench of this Court in WPA 14007 of 2025 (***Golam Sabir vs. Piramal Capital & Housing Finance Limited & Ors.***) in such regard.

3. Learned Advocate appearing for the opposite party submits that the revisional application should not be entertained inasmuch as the petitioners have an alternative remedy before the Debts Recovery Tribunal.

4. He further submits that the judgment of a co-ordinate Bench of this Court passed in WPA 14007 of 2025 will not be applicable to the present case inasmuch as, the opposite party has not been notified as a Non-Banking Financial Corporation by the Reserve Bank of India under Section 45(I) of the Reserve Bank of India Act, 1934. In support of his such contention he relies on an unreported decision of a co-ordinate Bench of this Court in the case of ***Suranjan Debnath –Vs- Reserve Bank of India & Ors. (WPA 765 of 2026)*** decided on ***January 30, 2026.***

5. Learned Advocate for the petitioner seeks time to answer the point raised by the opposite party.

6. List this matter once again on May 05, 2026.

(Om Narayan Rai, J.)