

D/L- 30
03/07/2026
Ct. No.- 6
Aritra

C.O. 2121 of 2026

Sagar Bera & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Sk. Sahjahan Ali
Mr. Jahangir Hossein

....for the petitioners

Ms. Manju Agarwal, AGP
Ms. Aishwarya Rajyashree

....for the State

Mr. Sayak Ranjan Ganguly
Ms. Snigdha Dutta
Ms. Srijani Ghosh

....for the opposite party nos.4-6

The order dated April 18, 2026 passed under Section 14 of the SARFAESI Act has been challenged by the petitioner in S.A. No.800 of 2026.

The learned advocate appearing for the petitioner submits that though the SARFAESI application is pending before the DRT-II, the Presiding Officer is not available. For such reason the petitioner could not move the said application inspite of the fact that a put up petition has been filed. He submits that tomorrow (i.e. July 4, 2026) is the date fixed for taking over possession pursuant to an intimation served by the learned Advocate Commissioner appointed in terms of the order passed under Section 14 of the SARFAESI Act.

The petitioner has approached this Court since the DRT-II is lying vacant.

The learned advocate for the Financial Institution disputed the submission of the learned advocate for the

petitioner. He submits that the DRT-I is being given the charge to take up the matters of DRT-II.

It is not in dispute that the petitioner has challenged the order passed under Section 14 of the SARFAESI Act by filing an application under Section 17 of the SARFAESI Act.

Though the petitioner has approached the Tribunal but is unable to move the prayer for interim protection due to non-availability of the Presiding Officer.

Since the Presiding Officer is not available, this Court is inclined to entertain this civil revision application as a litigant cannot be remediless.

Due to paucity of time this matter cannot be heard at length today.

Considering the fact that tomorrow (i.e. July 4, 2026) is fixed for taking possession, this Court is inclined to pass an interim order for a limited period.

There shall an order of injunction restraining the opposite parties from taking over possession of the secured asset in terms of the order passed under Section 14 of the SARFAESI Act till July 10, 2026 or until further orders, whichever is earlier.

List this matter on July 7, 2026 at 2.00 p.m. under the heading "New Motion".

It will be open to the parties to approach the Tribunal in the meantime.

(Hiranmay Bhattacharyya, J.)