

**04.12.2025.
22
Ct.No.24.
as**

WPA 23190 of 2025

**Benimadhab Construction Private
Limited & Anr.
Vs.
Reserve Bank of India & Ors.**

Mr. Chayan Gupta,
Ms. Mayuri Ghosh,
Ms. Poulami Bhowmick,
Mr. Sourjya Das.

...for the Petitioners.

Mr. Debabrata Das,
Mr. A. Sarkar,
Mr. Pritik Acharjee.

...for the Respondent No.1.

Ms. Soni Ojha.

...for the Respondent Nos.2 & 3.

1. Mr. Gupta appearing for the petitioner submits that even though the notice under Section 13(2) of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act), is under challenge in the present writ petition, the essence of the writ petition is not to challenge the notice but to challenge the classification of the loan amounts, by the bank, as a non-performing asset, in violation of the master circular issued by the Reserve Bank of India on April 2, 2024.

2. Since the writ petition involves a question of classification of non-performing asset, clearly beyond the ambit of the said Act, this Court does not have the

determination to take up this matter, which is accordingly released from the list.

3. In view of the submissions made by the parties, since this Court does not have the determination to entertain this writ petition, any interim order passed in this matter, stands vacated.

4. The parties are at liberty to approach before the appropriate Bench having determination to take up the matter.

(Reetobroto Kumar Mitra, J.)