

JPD-16
Ct No.07
17.06.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 82 of 2026

Sree Brindaban Rice Mills and others
Vs.
State Bank of India and another

Mr. Suman Saha,
Mr. Soumadip Saha

.... for the petitioners

1. In view of a *prima facie* palpable abuse of the process of Court and violation of natural justice vitiating the impugned order, the present application under Article 227 of the Constitution of India is entertained despite the availability of an alternative remedy by way of a challenge before the Debts Recovery Appellate Tribunal.
2. By the order dated March 12, 2026, the Tribunal, while permitting the opposite party/bank to file a written objection to an interlocutory application filed by the petitioner in connection with a challenge preferred by the petitioners under Section 17 of the SARFAESI Act, recorded that a copy of the objection was served on learned counsel for the petitioners on the self-same date and time, but still concluded the hearing of the matter without granting any opportunity to the petitioners' counsel to address the averments

made in the objection and/or even to go through it. Consequentially, by the order dated March 26, 2026, the Tribunal, by relying on the written objection as well, disposed of the interlocutory application in connection with the Section 17 proceeding.

3. Thus, the said orders are palpably vitiated by violation of the principle of *audi alteram partem*.
4. The learned Advocate for the petitioners also raises a foundational question as to whether the order under Section 14 of the SARFAESI Act passed by the District Magistrate, which has been assailed before the Tribunal, also suffers from patent lack of jurisdiction in view of the Magistrate having failed to record satisfaction regarding the mandatory parameters to be satisfied by the bank by way of a nine point affidavit as required under the said provision.
5. The revisional application shall be heard on the above questions and the other grounds taken in the application.
6. The petitioners shall serve copies of CO 82 of 2026 on the opposite parties, indicating that the matter shall next be listed for hearing before the next Circuit, when an affidavit-of-service to that effect shall be filed by the petitioners.
7. Since the Court is apprised that despite the pendency of the revisional application, the bank

has already taken possession of the secured asset on June 04, 2026, such taking over of possession shall abide by the outcome of the present revisional application.

8. Furthermore, the opposite parties shall maintain status quo with regard to the said property till August 31, 2026 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)