

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT KOLKATA

Misc. Appl. Dy No. 653 of 2026
(Arising out of S.A. No 251 of 2026 – DRT-I Kolkata)

**THE HON'BLE JUSTICE SHRI ANIL KUMAR SRIVASTAVA,
CHAIRPERSON**

Order No. 02
02.07.2026

1. Mrs Shila Gupta residing at P- 64B, C.I.T., Scheme, VI(M), 1st Floor, Phoolbagan, Kolkata – 700054.
2. Ms. Shilpi Gupta, residing at B-101, Vaswani Reserve, Kadubeseenahalli, Panathur Main Road, Near Sri Vishnu Grand, Kadubeseenahalli, Panathur, Bengaluru, Karnataka – 560103.

..□Appellant

--Vs--

1. Axis Bank Ltd., Branch office at AC Market Building, 4th floor, 1, Shakespeare Sarani, Kolkata – 700071.
2. The Authorised Officer, Axis Bank Ltd., Branch office at AC Market Building, 4th floor, 1, Shakespeare Sarani, Kolkata – 700071.
- 3.Saurabh Gupta residing at 620, Diamond Harbour Road, Behala Industrial Estate, Plot No K-20, 1st Floor, Kolkata – 700034.
- 4.Siddhartha Gupta residing at P-64B, CIT Scheme VI(M), 1st Floor, Phoolbagan Kolkata – 700054.
- 5.Shree Krishna Gupta Residing at P-64B, CIT Scheme VI(M), 1st Floor, Phoolbagan, Kolkata – 700054.
- 6.Shree Krishna Gupta & Sons (HUF) Office At P-64B, CIT Scheme VI(M), 1st Floor, Phoolbagan Kolkata – 700054.

..□Respondents

For Appellant : Mr. Debasish Chakraborty , Id. adv.
Mr. Snehasish Chakraborty, Id. Adv.

For Respondent : Mr. Pankaj Kr. Mukherjee, Id. Adv. for bank
Mr. Sayak Ranjan Ganguly, Id. Adv.
Ms. Chaitali Acharjee, Id. Adv.
Mr. Nimish Mishra, Id. Adv. R-3 to 6
Mr. D. Basu Ray, Id. Adv.

THE APPELLATE TRIBUNAL :

Heard learned counsel for the appellant Mr. Debasish Chakraborty as well as learned counsel for bank Mr. Pankaj Kr.

Mukherjee and Learned counsel for respondent no.3 to 6 Mr. Nimish Mishra and perused the records. Since all the parties have put in appearance matter is being taken up for hearing at the admission stage.

2. Instant appeal is preferred against the order dated 26.05.2026 passed by learned DRT-I Kolkata in S.A. No. 251 of 2026 [Mrs. Shila Gupta & Anr. Vs. Axis Bank Ltd. & Ors.] whereby learned DRT fixed hearing of the I.A. 1610 of 2026 on 06.07.2026 inviting objection from the bank. Learned counsel for respondent bank Mr. Pankaj Kr. Mukherjee submits that he has already filed objection before the learned DRT, however, copy of the same has not been served upon the appellant herein and the respondent no. 3 to 6. He undertakes to file the same during the course of the day.

3. It is also observed that as and when objection or any pleading is to be filed before the Tribunal, the same should be filed after serving copy to the opposite party or upon the counsel, if put in appearance before the Tribunal. It is expected that henceforth such practice should be followed by the learned counsel.

4. As far as instant appeal is concerned, securitization application was filed challenging the action of the secured creditor by the appellants, who alleged to be coparceners of a Hindu Undivided Family. Respondents no. 3 to 6 are borrower/guarantor who availed financial facility from respondent

no.1 and 2 bank while appellant no.1 is widow and appellant no.2 is daughter of respondent no.5. I.A. 1610 of 2026 was filed before the DRT for interim protection challenging the order u/s 14 of the SARFAESI Act, 2002 passed by learned ACJM, Sealdah on 21.04.2026. Learned DRT recorded submissions made by the learned counsel for the parties and also made certain observations, but instead of passing any interim order invited objection from the bank in I.A. 1610 of 2026 as well as S.A.

5. Since I.A. 1610 of 2026 is yet to be decided by the learned DRT any observation or finding in this appeal may prejudice the rights of the parties in pending I.A. 1610 of 2026 as well as S.A. Accordingly, the appeal is disposed of with the direction to the learned DRT to decide the I.A. 1610 of 2026 along with S.A. 251 of 2026 preferably on the date fixed on 06.07.2026 and if the same could not be done on that date, learned DRT should fix an early date as per its own roster. Needless to observe that learned DRT should decide the I.A. independently without being prejudiced by any observation made in the body of the order dated 26.05.2026. Parties would be at liberty to raise all the points as per pleadings before the learned DRT.

O R D E R

6. Appeal is disposed of at the admission stage with the direction made in the body of the order. I.A., if any, also stands disposed of. Costs easy.

File be consigned to record room.

Copy of the Order be uploaded in the Tribunal's website.

Order dictated, signed and pronounced by me in the open Court on this the 2nd day of July, 2026.

(Anil Kumar Srivastava, J)
Chairperson

Dated : 02.07.2026
02 /pkb