

GAHC010213462024



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5266/2024**

PRAMEER GOGOI  
SON OF- PRONOB GOGOI,  
RESIDENT OF- RED CROSS ROAD, WARD NO. 6, SIVASAGAR,  
P.O.- SIVASAGAR,  
DISTRICT- SIVASAGAR, ASSAM,  
PIN- 785640.

VERSUS

STATE BANK OF INDIA AND ANR  
REPRESENTED BY THE ASSISTANT GENERAL MANAGER,  
RASMECCC, JORHAT,  
1ST FLOOR, SBI JORHAT BRANCH BUILDING,  
A.T. ROAD, P.O.- JORHAT, ASSAM,  
PIN- 785001.

2:THE AUTHORISED OFFICER  
RASMECCC  
JORHAT  
1ST FLOOR  
SBI JORHAT BRANCH BUILDING

A.T. ROAD  
P.O.- JORHAT  
ASSAM

PIN- 785001

For the petitioner : Ms. P. Chakraborty, Advocate

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**04-10-2024***(Vijay Bishnoi, C.J.)*

This writ petition is filed by the petitioner essentially challenging the order dated 24.09.2024 passed by the Debts Recovery Tribunal, Guwahati (hereinafter to be referred as 'Tribunal') in S.A. No.64/2024 preferred by the petitioner herein challenging the notice issued to him under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred as 'SARFAESI Act') by the respondent bank. The Tribunal while dismissing the said S.A. has observed that the notices issued to the petitioner by the respondent bank under Section 13(4) of SARFAESI Act suffers from no illegality.

It is to be noticed that the property, which was mortgaged by the petitioner with the respondent bank in lieu of a loan advanced to him, has already been sold by the respondent bank by a private treaty and in this petition, the petitioner has also prayed for quashing and setting aside the said sale.

Learned counsel for the petitioner has submitted that the petitioner was ready to pay the entire outstanding amount to the respondent bank and accordingly, he approached the respondent bank with the request to accept the entire outstanding amount and not to sell his auctioned property. However, the said request of the petitioner has not been entertained by the respondent bank and it has illegally sold the property. It is submitted that the Tribunal without taking into consideration the above aspect of the matter has illegally dismissed

the S.A. No.64/2024 vide the impugned order. It is also submitted that if this Court does not grant any indulgence then the petitioner will lose the property in question and will suffer irreparable loss.

Heard learned counsel for the petitioner and also perused the material available on record.

The petitioner has approached the Tribunal by filing application under Section 17 (1) of the SARFAESI Act essentially challenging the notice issued to him by the respondent bank under Section 13(4) of the SARFAESI Act. The Tribunal has dismissed the said S.A. by passing a detailed order on 24.09.2024.

It is to be noted that any person aggrieved by the order passed by the Tribunal while exercising power under Section 17 of the SARFAESI Act can prefer an appeal before the appellate tribunal under Section 18 of the SARFAESI Act.

In view of the fact that the petitioner has an alternate remedy to prefer a statutory appeal under Section 18 of the SARFAESI Act, we are not inclined to entertain this writ petition. Hence, the same is dismissed as not maintainable on account of availability of alternate statutory remedy.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**